

Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761114658966>

CA20N
XC20
-L20

Government
Publications



27

M-23

M-23

ISSN 1180-436X

Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Monday 8 August 1994

Journal des débats (Hansard)

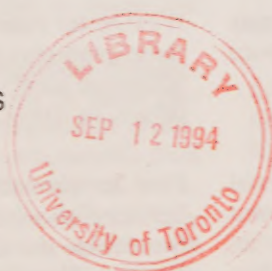
Lundi 8 août 1994

Standing committee on
the Legislative Assembly

Comité permanent de
l'Assemblée législative

Alleged breach of
conflict-of-interest guidelines

Allégations d'enfreinte aux consignes
sur les conflits d'intérêts



Chair: Ron Hansen
Clerk: Lisa Freedman

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944–1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Monday 8 August 1994

Lundi 8 août 1994

*The committee met at 0908 in room 151.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES

The Chair (Mr Ron Hansen): I'd like to bring the committee to order. I'd like to welcome everybody to the committee, and I see some new faces on the committee. Welcome to the standing committee.

I'm going to read the terms of reference. The subcommittee has had about four or five meetings and has agreed upon the subcommittee reports, as you can find filed there with you, so I'm going to read the terms of reference.

"On Thursday, June 23, 1994, by order of the House, the standing committee on the Legislative Assembly was authorized to conduct an investigation into allegations of breach of the conflict-of-interest guidelines made against the Minister of Housing in connection with her attendance at a meeting with the board of the Van Lang Centre in Ottawa on Friday, June 17, 1994, as follows:

"The committee shall commence public hearings on the matter on August 8, 1994, and shall conclude such hearings no later than August 11, 1994, and shall meet from August 14, 1994, until August 18, 1994, for the purpose of writing a report on the matter and that with the agreement of the House leader of each recognized party the dates specified may be amended;

"The committee may, through a Speaker's warrant, compel any person to attend before it to give evidence under oath and to produce any document required. Witnesses may be represented by counsel if they choose;

"The subcommittee shall be authorized to retain and direct legal counsel;

"The subcommittee shall meet to determine organizational matters by unanimous agreement at least two weeks prior to August 8, 1994. In the absence of unanimous agreement of the subcommittee, such matters shall be referred to the House leaders to be determined.

"The committee may not inquire into the merits of any proceeding currently pending in any court or comment in its report on the guilt, innocence or liability of any party."

Everyone has the subcommittee reports in front of them. Eleanore Cronk, who is sitting to the left of me, of the law firm Fasken, Campbell, Godfrey, was retained to act as counsel for the committee. She is being assisted by Mr Bill Hourigan, seated to her left.

The committee shall sit from 9 am until 6 pm on each day of the hearing. Upon request of legal counsel, the committee will sit beyond 6 pm.

Counsel shall brief the committee between 9 am and 10 am on Monday, August 8, 1994.

Each party will be afforded a five-minute opening statement on the first day of public hearings, if desired.

It was agreed that background information with respect to the Van Lang Centre and the alleged problems is not relevant to the inquiry per se, but would have to be put forward into evidence to some degree to establish facts relevant to the various meetings.

It was agreed that a Speaker's warrant be issued to Daniel Burns, Deputy Minister of Housing, for all of the documents in the control, possession or power of the Ministry of Housing that relate to the committee's terms of reference with respect to the Gigantes inquiry.

It was agreed that the participation at the hearing of legal counsel for the witnesses would be confirmed to representation of their client's interests and, in accordance with past practice of the committee, this would not extend to cross-examination nor examination of their own witnesses.

Mr Robert V. Callahan (Brampton South): Is that "confirmed to" or "confined to"?

The Chair: Confined. I'm sorry.

Mrs Margaret Marland (Mississauga South): Just a point of order, Mr Chair: Are you going to read all the minutes of all the subcommittee meetings?

The Chair: No. I'm just about finished. These are just the basics here.

Mrs Marland: That's fine. Thanks.

The Chair: Legal counsel will advise committee members if their questions to witnesses are inappropriate.

The Chair shall use a stopwatch to keep track of the time that each caucus uses for their questions and caucuses shall be able to bank their time and use unexpected time for questioning of other witnesses.

All organizational matters shall continue to be determined by unanimous agreement of the subcommittee.

All witnesses will be administered an oath.

Mr Callahan: Is that "unexpected" or "unexpired"?

Ms Eleanore Cronk: "Unexpended."

Mr Callahan: Okay.

The Chair: These reports are deemed adopted.

Each witness will be called to the witness table; the clerk will administer the oath; legal counsel will conduct her examination; each party will ask their questions; each party will be informed of the time they have available for questioning and they will also be told if they have any

time banked; legal counsel will conduct any re-examination.

I'd like to introduce Eleanore Cronk, and the floor is yours.

Ms Cronk: Thank you, Mr Chair. Mr Hourigan and I wish to commence our involvement in the proceedings this morning by providing you with a brief overview of the nature of the hearing as we understand it, and of the evidence that we anticipate you will hear over the course of the next several days.

As the Chair indicated a few moments ago, the investigation and hearing in this matter were authorized by an order of reference of the Legislative Assembly on June 23, 1994, and he read for you the exact terms of the order of reference.

By the terms of that order of reference, the jurisdiction of this committee for the purposes of this investigation and hearing is confined to matters relating to the attendance of the Minister of Housing, the Honourable Evelyn Gigantes, at a meeting with the board of the Van Lang Centre which occurred on June 17, 1994, in Ottawa, and matters related to allegations of breach of the conflict-of-interest guidelines in connection with the minister's attendance at that meeting.

As the committee is aware, the conflict-of-interest guidelines were introduced in December 1990 by Premier Bob Rae. The purpose of the guidelines, as stated in the guidelines, is "to increase public confidence in the integrity of government" and for that purpose the guidelines "impose upon cabinet ministers and parliamentary assistants more stringent standards of conduct than those imposed by existing conflict-of-interest legislation and policies."

The guidelines also set out certain "Fundamental Principles," and they are entitled that in the guidelines. Among the fundamental principles set out in the guidelines are the following:

"4. Ministers shall at all times act in a manner that will bear the closest public scrutiny.

"5. Ministers shall perform the duties of office and arrange their affairs in such a manner as to maintain public confidence and trust in the integrity of the government."

The guidelines apply to cabinet ministers, including, in this case, the Minister of Housing, Evelyn Gigantes. As appears from the "Purpose" section of the guidelines, they are intended to impose standards of conduct upon cabinet ministers which are more stringent than those imposed by existing relevant legislation and policies.

There are a number of provisions of the guidelines which may be relevant to the matters which you, committee members, are going to hear during the course of this week. I will be providing you, for your ease of reference, with another copy of the conflict-of-interest guidelines this morning, but I'd ask you to take note of sections 20, 22 and 24 of the guidelines as you consider the evidence that you will be hearing and deliberate on the matters that have been referred to you under the order of reference. I don't propose to read those sections but, again, I would ask you to bear in mind sections 20, 22 and 24.

I will also be providing you shortly this morning with a copy of an extract from Hansard relating to remarks made by the Premier, Bob Rae, on December 12, 1990, when the conflict-of-interest guidelines were introduced in the Legislative Assembly. We suggest that you may find it useful as well, when you come to consider the guidelines and how they may or may not apply in this case, to have regard to what the Premier said upon introduction of those guidelines, which included the following statement:

"First, I consider it essential to establish certain fundamental principles. It is...our governing principle that we must at all times act in a manner that will not only bear the closest public scrutiny but will go further and ensure public confidence and trust in the integrity of government....

"As committed as I am to the establishment of guidelines and codes in legislation on ethics in government, I realize all too well that nothing we commit to writing can substitute for common sense and a well-developed sense of public duty."

I'd like to address now for a few moments, if I may, the scope of the investigation and the hearing that has been referred to the committee for consideration. As you know, as appears from the order of reference, the subject matter of the investigation and the hearing to be conducted by this standing committee is concerned with allegations of breach of the conflict-of-interest guidelines made against Ms Gigantes in her capacity as Minister of Housing in respect of a particular matter; that is, in connection with her attendance on June 17, 1994, at a meeting with the board of the Van Lang Centre in Ottawa.

As members of the standing committee may be aware, there has been some recent controversy surrounding the Van Lang Centre in the sense that allegations have been made by a number of individuals regarding management practices and operations at the centre and relating to members of its board of directors and staff. In addition—and it is important to recognize this from the outset, in our submission—there have been various responses to those allegations and those expressed concerns made by affected individuals, including comments from time to time about the centre by representatives of the Ministry of Housing and the minister's office or the minister herself.

In our view, that is, Mr Hourigan's view and mine as counsel to this standing committee, for the purposes of what has been referred to the committee for determination, that is, having regard to the terms of the order of reference which establishes the authority and jurisdiction of the committee in this matter this week for the purposes of hearing evidence, much of the history relating to the Van Lang Centre and concerning the allegations and concerns that have been expressed regarding it, regardless of the source of the person expressing those allegations or concerns, is irrelevant to the matters at issue in this hearing and is outside the scope of the terms of reference. It follows, therefore, that consideration and determination of the merits of those allegations, concerns, responses and comments is, generally speaking, irrelevant and beyond

the scope of the terms of reference of this inquiry.

It is, however, necessary, in our submission as your counsel, for the committee to do three things this week. This first is to understand how it came about that the Minister of Housing attended the meeting on June 17, 1994, with the board of the Van Lang Centre in Ottawa; secondly, to ascertain the expectations of the persons attending the June 17, 1994, meeting with the minister and the purpose and the background to the meeting; and thirdly, to assess the allegations of breach of the conflict-of-interest guidelines which have been made against the Minister of Housing in connection with her attendance at that meeting.

0920

Members of the committee, what Mr Hourigan and I are suggesting to you in these opening remarks is, first, that there is considerable information, much of it in the public domain—not all of it, but much of it in the public domain—relating to allegations about the history of the Van Lang Centre and including responses by affected people to those allegations, including representatives of government. We are saying to you this morning that on our reading of the terms of the order of reference, much of that information is irrelevant to the task before you and, in general terms, a determination of the merits, the accuracy or inaccuracy of those allegations, the accuracy or inaccuracy, the appropriateness or inappropriateness of responses to those allegations is beyond the scope of the terms of reference in this case.

Having said that, we're also saying to you that there are three tasks before the committee this week, as I have just outlined. In order to accomplish those tasks, and for those limited purposes only, a general understanding of some of the history of the Van Lang Centre and of the allegations and concerns expressed regarding it, its management and operations, and of the responses and comments made concerning those allegations and concerns is both relevant and necessary to the work of the committee.

It's also important in this context, in our submission, from the outset of the hearing, and it may be useful to committee members—indeed, we hope it will be so—to have an understanding of the role of counsel to the committee this week as we seek your permission to introduce evidence before you. In our view, the role of your legal counsel in this matter is entirely a neutral one. It is our obligation to assist the committee in its fact-finding function; that is, in the investigation part of your mandate, as established by the order of reference, relating to the allegations which have been made against the Minister of Housing. In order to do so, it will be necessary for us to call evidence before the committee which is intended to assist you to determine what in fact occurred at the meeting of June 17 and whether those facts, once you determine them as a committee, establish in your view a breach or breaches of the conflict-of-interest guidelines.

This is a matter, in some respects, in our submission, unlike certain other inquiries or investigations that from time to time have been undertaken by this standing committee or other standing committees of the Legislative

Assembly relating to allegations of potential breach of conflict-of-interest rules, whether they be guidelines or legislation. I make that statement to you for this reason: This matter, the matter before you, is different, arguably, from some of those other cases because in some of those other cases in the past there has been an admission by the involved government representative—the minister—of a breach or breaches of the guidelines or relevant conflict-of-interest rules. What followed then in those cases was that, first, there was an admission in some of them of a breach of the guidelines, and then it became the task of the investigating committee to determine what the facts were surrounding the breach and what the consequences were of the breach.

That is not what you will be confronted with this week, based on what we anticipate the evidence to be. In this case, in contrast, the Minister of Housing has stated in the Legislative Assembly that she did not breach the conflict-of-interest guidelines. Others have alleged that she did so. In these circumstances, therefore, what is at issue in this investigation and hearing is, first, what in fact occurred at the meeting of June 17, 1994, and in the days leading up to it, and secondly, what are the consequences of those occurrences.

On behalf of the standing committee, we have interviewed a number of witnesses from whom we will be asking the standing committee to receive evidence. In addition, Mr Hourigan and I have reviewed numerous documents relating to the Van Lang Centre, including many directly related to the June 17 meeting.

On the basis of those interviews and that document review, we anticipate at present that there will be differing accounts of what occurred at the June 17 meeting, including in particular as to what the minister did or did not say or do at that meeting. If this is the case and that is the nature of the evidence you hear, it means that credibility issues may arise during the course of this hearing, and the standing committee will be required to make a determination on all of the evidence as to which version or versions of events it concludes to be most probable. Thereafter, the committee must consider whether a breach or breaches of the conflict-of-interest guidelines occurred.

In that context, and recognizing that it is likely that credibility issues will arise, it is the obligation and responsibility of your counsel, as counsel to the committee, to put before you evidence relating to the meeting of June 17 and the events leading up to it and to do it in a neutral and comprehensive fashion. To do this, and to assist the committee in understanding the evidence and in assessing it, it will be necessary, and I underline this, for us to test the reliability of the recollections of various witnesses concerning the June 17 meeting. This applies to all witnesses.

The allegations that have been made in this case against the Minister of Housing are serious in nature. Similarly, the allegations made concerning the management and operations of the Van Lang Centre are of a very serious nature and call into question the activities of a variety of individuals. I say again in our opening submissions to you this morning that the allegations

relating to the Minister of Housing are the very subject matter of this hearing and investigation and therefore are directly relevant. The allegations made against other individuals concerning the management and operations of the Van Lang Centre and the adequacy or inadequacy of responses to those allegations are generally irrelevant to this hearing and are not the subject matter of the hearing before you, save only to provide a general context to the committee to help it determine the three issues I have outlined for you.

We wish also to comment at the outset of the hearing on the significance to the work of your committee of certain legal proceedings now pending in the courts. The order of reference, as the Chair indicated in quoting from it this morning, makes it clear that "The committee may not inquire into the merits of any proceeding currently pending in any court or comment in its report on the guilt, innocence or liability of any party."

That provision, in legal terms, as the committee members will certainly be aware, is a fundamental legal constraint on the scope of the inquiries which may be made by this committee. It is important to note that the language of the constraint applies to the merits of any proceeding currently pending in any court. Accordingly, no questions can be put to any witness by your counsel or by any other person, including by any member of this committee, in our submission, concerning the merits of any proceedings now pending before any court. That restriction, in my submission, extends to any questions regarding the facts relied upon to assent such proceedings, or alternatively, to defend them.

Based on the information that is available to us, I anticipate you will hear evidence that there are two different types of proceedings now pending in the courts and I wish to identify them for you now so that you can take these facts into account in posing your questions of witnesses.

There is, as we understand the anticipated evidence, first a civil proceeding between the first project manager of the Van Lang Centre and certain current or former members of the board of directors of the Van Lang Centre regarding her termination of employment with the centre. We anticipate that you will hear in evidence that the first project manager of the centre was a woman by the name of Trinh Tran. I am therefore indicating to you our information that there is a legal proceeding of a civil nature relating to termination of Ms Tran's employment pending now in the courts.

Secondly, there are proceedings involving alleged infractions of the Corporations Act of Ontario by certain current or former members of the board of directors of the Van Lang Centre now pending in the Ontario Court (Provincial Division) pursuant to informations sworn under the Provincial Offences Act. We anticipate you will hear in evidence that these proceedings were initiated originally by Ms Sharron Pretty, a director of the board of the Van Lang Centre and a tenant-resident of the Van Lang Centre, and in the case of one information, by Ms Trinh Luu, a former employee of the Van Lang Centre.

0930

To assist you at this point, if I may, with the names of

certain of the relevant parties, we will be asking the committee to receive evidence both from Ms Trinh Luu and Ms Sharron Pretty, and I anticipate that you will be hearing from them today. Ms Trinh Luu was the second project manager of the centre; Ms Trinh Tran the first. Ms Sharron Pretty is a tenant-resident of the centre and a current director of the centre.

I'd like to comment also at this time on the evidence to be introduced before the standing committee by us as your counsel. Evidence will be introduced before the standing committee in two ways.

First, the committee, through the Chair, will be asked to hear the oral evidence of a number of witnesses. At this time, Mr Hourigan and I anticipate that approximately 12 witnesses will be called to give evidence before the standing committee. As you will appreciate, however, as the hearing progresses, although I don't currently anticipate that this will be the case, it may be necessary to ask you to hear evidence from additional witnesses.

We will also be introducing a number of documents to be filed with you as exhibits relating to the background to the matters at issue; that is, the background to the June 17, 1994, meeting and relating to the meeting itself. I'd like to talk to you for a moment just about the documentation because it's going to be provided to you, if you will receive it, within the next few moments.

There are four volumes of documents that we will ask you to receive. The first I will ask be marked as exhibit 1 or received as exhibit 1 by the Chair. It consists of three volumes of documents. So it's exhibit 1, three volumes. That exhibit contains documents that will be referred to by one or more witnesses during the course of their evidence before the committee and which relate directly to the June 17, 1994, meeting or events leading up to it.

Volume 1 of that exhibit is a collection of other materials relating to the work of this committee. For example, it contains a copy of the order of reference; it contains a copy of the conflict-of-interest guidelines; it contains a copy of the statement of the Premier, Bob Rae, on December 12, 1990, in the Legislative Assembly upon introduction of the guidelines; it contains a copy of various informations that have been sworn and are now pending in the Ontario Court (General Division), and matters of that kind.

Exhibit 2, in one volume, contains copies of various documents relating to the background of the Van Lang Centre and certain of the allegations or concerns expressed from time to time by various individuals regarding the centre and concerning responses to certain of those allegations and concerns.

It's important for members of the standing committee to bear in mind, in our submission, as I know you are aware, that not all of the facts relevant to the June 17, 1994, meeting will come before you from any one witness. The facts will emerge from the evidence as a whole as you hear it during the course of this week.

As you will appreciate, some of the witnesses have direct evidence to give concerning the June 17 meeting because they were present at the meeting. Others were

not, but others were involved in arrangements leading up to the meeting, in discussions as to whether there should be a meeting and as to its purpose. For that reason, it is important to recognize from the outset that only after all the evidence is heard will the committee members be in a position to determine what led up to the meeting of June 17, 1994, what occurred at the meeting and what the consequences of it are.

For this reason it is important, in our view as your counsel, for the members to recall from the outset, as I know you are aware, that it is important for members to keep an open mind on the matters at issue in this investigation and hearing until all of the evidence has been heard and the committee members have had an opportunity to deliberate concerning it. This is particularly important, in our submission, because based on the information currently available to us we anticipate that you may very well hear, as I have said, conflicting versions of what occurred at the June 17 meeting. If that occurs, it means, as I said earlier, that there may be credibility issues for this committee to assess; and if that is the case, where credibility issues are before you for determination relating to witnesses, it is most important that all of the evidence be heard by committee members and that only then a determination be made.

Included among the documents in exhibit 1, volume 1, which I'm going to ask you to receive now, is a document at tab 4 entitled Statement of Selected Background Facts. I wish to comment on this document and its purpose.

The document has been prepared by Mr Hourigan and myself, as your counsel, based on all of the information and documents available to us concerning the matters at issue. It has been reviewed and commented upon by legal counsel for a number of the witnesses where they are represented by legal counsel. It's being distributed as I speak.

It is important to understand its purpose, because I'm going to ask the committee members to take a few moments and, if the Chair agrees, to read the document and to ask that we rise for that purpose, to give you an opportunity to do so. The purpose of this statement of selected background facts is to provide committee members with an overview of certain of the background facts relating to the Van Lang Centre and relating to matters leading up to the June 17 meeting. Perhaps I'll just wait a moment while it's being distributed.

Mr Callahan: I'd like to ask a question and I guess it's in two parts. You've indicated we can't ask questions about pending actions. I can understand that quite clearly.

The two questions I want to find out about:

As you know, one of the allegations here is that Ms Gigantes, directly or indirectly, suggested to Ms Pretty that she withdraw the charge under the Corporations Act. If that's the case and if a finding were to be made in that regard, first of all, are you telling us that we could not question her on that, because it would be very important in terms that it might very well constitute reasonable and probable grounds for a charge under subsection 139(3) of the Criminal Code, ie, "...every one shall be deemed wilfully to attempt to obstruct, pervert or defeat the

course of justice who in a judicial proceeding, existing or proposed, (a) dissuades or attempts to dissuade a person by threats, bribes or other corrupt means from giving evidence...."? Of course a judicial proceeding does include a matter before a court, judge, justice, provincial judge or coroner or before a tribunal by which a legal right or legal liability may be established. That's my first question. Are we precluded from pursuing that?

The second question is: If we were to conclude, at the end of these proceedings, that in fact the minister had, directly or indirectly, or at least that there was reasonable evidence that she had directly or indirectly attempted to obstruct justice on the basis of that section, would we be allowed to put that in our report or would we be prevented from putting that in our report? In my understanding of what you say about the terms of reference, we're only entitled to report on the question of whether or not her actions, as found as facts by this committee, constitute a breach of the guidelines of the Premier. I guess what I'm getting at is that if we make a finding of that type, are we precluded from putting it into our report, and in fact at that point in time do we become within the framework of a couple of judicial decisions such as Starr and others and no longer able to comment and the matter then becomes a matter for police investigation?

Ms Cronk: May I respond, Mr Chair?

The Chair: Yes.

Ms Cronk: Thank you. On the first question, the remarks that I made in the overview that I was giving the committee members of pending proceedings were intended to underscore that the restriction contained in the order of reference relates to the merits of any proceeding now pending in any court. The exact language, to be precise, is that the committee may not inquire into the merits of any proceeding currently pending in any court.

Mr Callahan: So we can certainly pursue the questions, obviously, of whether or not the minister, directly or indirectly, tried to have the charges under the Corporations Act withdrawn? We can pursue that? All right. Okay.

0940

Ms Cronk: Indeed. And indeed it's my advice to you that this is part of the very subject matter and purpose of this inquiry so that the fact of the charges and what the minister did or did not say in relation to them, so long as it doesn't deal with the merits of the charges or the defence, may be questioned upon. Indeed I can say to you and to the other committee members that it would certainly be my intention to do so with a number of witnesses.

Mr Callahan: Okay.

Ms Cronk: On the second question, dealing with what might be said by the committee ultimately in its report, there's a second part, as you of course understand, to the restriction contained in the order of reference and it is that the committee cannot comment in its report on the "guilt, innocence or liability of any party." As I read that, that would indeed preclude any suggestion or finding in the report of any liability under and any legislation or any particular law of general or specific

application against any person, be it the minister or anyone else.

Specifically what is before this committee to determine is whether there was a breach or breaches of the conflict-of-interest guidelines by the minister in relation to a particular event, a meeting on June 17, 1994, in the context of what led up to it and how it came about, nothing more.

Mr Callahan: Just so I'm clear and I think the other members of the committee are clear, if we were to find, after hearing the evidence, that there were reasonable and probable grounds to believe that the minister had in fact obstructed justice or attempted to, we would not be able to report that to the House. That would be the matter of a separate investigation, perhaps by the police or the crown attorney's office. Is that correct?

Ms Cronk: Generally, that is my advice to you. There can be no conclusion relating to liability under a statute of provincial or specific application. That includes the statute you've named or any other. What is at issue is whether the guidelines were complied with or not.

Mr Callahan: Does this committee have the ability under the terms of reference, even though they can't put it in their report, to recommend, if that were the case, that the matter be proceeded to further investigation by the police or the crown attorney? Would we have that authority under the terms of reference or generally, as members of the Legislature, if we came to the conclusion that there were reasonable and probable grounds for a criminal charge to be investigated and laid? Would it preclude us, as members of the Legislature and this committee, from in fact directing that those proceedings be taken or at least recommending them to whomever would take them?

Ms Cronk: There are two issues in my mind with respect to the question that you're asking. The first is whether it's within the jurisdiction of this committee, under the terms of the order of reference, to be deliberating as a committee on whether there are reasonable probable grounds about anything. The issue is whether there was a breach or an infraction of the conflict-of-interest guidelines. So I'd ask you to bear that in mind.

Your mandate for the purposes of your review this week is specific to those guidelines. That being the case, the prohibition and the restraint that applies is there can be no expression of liability, guilt or innocence in the view of the committee with respect to any party including the minister, and that applies to all legislation.

Mr Callahan: In the report?

Ms Cronk: Yes.

Mr Callahan: It doesn't preclude us from asking those questions, though. All right, thank you very much.

Mrs Marland: A brief question: Would it be possible, through the clerk, to have a copy of Ms Cronk's opening statement later on this morning? The second question to Ms Cronk is, in your opening statement, I think you referred to Ms Pretty and Ms Luu having laid charges. I thought it was the crown that laid the charges and they just provided some evidence. I would like to know which is the correct way to refer to that.

Ms Cronk: If I can clarify that, if I said that, I certainly misspoke myself. What I intended to say is that informations were sworn that proceedings were generated initially, as I understand the evidence, by Mr Pretty in respect of certain individuals alleging infractions of the Corporations Act and that one of those informations was initiated originally by Ms Trinh Luu. I anticipate that you will hear evidence that a number of informations were sworn initially by Sharron Pretty and that a further information was completed initially by Ms Trinh Luu. As to what involvement the crown attorney at that point or thereafter had, you will hear evidence about it, but informations were sworn by Ms Pretty in respect of certain of the current and former board members of the Van Lang Centre.

Mrs Marland: And the crown lays the charges. Is that a way to refer to it?

Ms Cronk: Once the informations are sworn, it goes before an officer of the court, a justice of the peace, and the process of the administration of justice and the Ontario Court (Provincial Division) is triggered and is engaged. The role of the crown is another matter.

Mr David Winner (London South): I just wanted to confirm with counsel to the committee: There is indeed one charge currently before the courts, and in addition a civil proceeding?

Ms Cronk: Actually, I anticipate what you're going to hear in the evidence is that there are seven informations outstanding, that there are six charges involving six individuals, that there is a seventh information involving one of the original six, so that there are six persons who are identified and against whom it is alleged that they have committed infractions of the Corporations Act. In that sense there are six informations, plus a seventh involving one of the same individuals. Those are all in the nature of alleged provincial offences under the Provincial Offences Act. In addition to that, there is a civil proceeding, of which we are aware, relating to the circumstances surrounding employment termination of the first project manager of the centre. There is more than one charge.

Mr Callahan: Just a supplementary: I assume that offences in breach of the Corporations Act are in fact quasi-criminal offences.

Ms Cronk: They are provincial offences under the Provincial Offences Act.

Mr Callahan: But they are also quasi-criminal offences.

Ms Cronk: The reason I answered it the way I did is because many lawyers take a differing view of that. What I can say to you, what is the fact, is that it is alleged that there were breaches of the Corporations Act. That is, if true, an offence under the Provincial Offences Act, and informations under the Provincial Offences Act have been laid. What has been alleged, as I understand the evidence, are provincial offences relating to infractions of the Corporations Act which are now pending in the Provincial Division of the Ontario Court of Justice.

Mr Callahan: But just so it's clear, you have to delineate those from civil actions. It's not a civil action.

Ms Cronk: That's correct.

Mr Callahan: It's being held in a criminal court.

Ms Cronk: That's correct.

Mr Callahan: In fact, it is a quasi-criminal offence.

Ms Cronk: The reason, again, that I responded the way I did is that some lawyers take a differing view of that expression, but they are certainly not civil proceedings. They are to be contrasted to that and they are pending in the criminal division of the Ontario Court.

Mr Callahan: Because they have penalties that are in fact quasi-criminal penalties.

Ms Cronk: In one instance they do, and in another there's a legal issue about that. They involve fines and/or the possibility of an imprisonment with respect to one of the informations.

The Chair: If that's it, we'll take a 10-minute recess till 10 o'clock.

Ms Cronk: Mr Chairman, if I might have one moment simply to speak to the statement of selected background facts, I would be very grateful for that.

The Chair: Okay, fine.

Ms Cronk: For the assistance of committee members, and I hope that's been responsive to your questions, tab 4 of exhibit 1, volume 1, which you've now been provided, is the document entitled Statement of Selected Background Facts. I want to point out to committee members that what's important about that document and its purpose is that it is not intended to set out a full chronology of all the facts relating to the Van Lang Centre but simply to point out some of the material facts which we anticipate you'll hear about at evidence. That is going to be put to various witnesses during the course of their evidence and they will be asked to verify the accuracy of the facts in the statement.

If the committee members would take an opportunity now to rise and to review the document, then I would like to speak with you about the rest of the documentation when you return.

The Chair: This committee recesses until 10 o'clock.

The committee recessed from 0949 to 1003.

The Chair: I'm going to bring the committee to order. Mr Callahan has a procedural question, I believe.

Mr Callahan: Yes. I want to ask committee counsel one more question, just to clarify something. Miss Marland talked about the question of the informations laid under the Corporations Act. It's my understanding that Miss Pretty in fact did lay some 40 charges, including one of fraud, on April 6. The crown considered those charges and in fact, on April 25, 1994, elected to intervene and prosecute six of those charges. The fraud charge was not proceeded with because they felt they did not have sufficient evidence to prove it. Would that be correct? I don't want to leave the impression that perhaps, as Miss Marland asked, this was something done individually by Miss Pretty.

My understanding was that although she laid them, the crown, in investigating them, decided to intervene, which is a process they can take on themselves, and in fact the crown is prosecuting the charges, vetted those they felt

they could not prove and didn't proceed with the fraud charge, because although they felt there was something there, there wasn't sufficient evidence to pursue it. Is that an accurate statement?

Ms Cronk: Based on my understanding of the evidence that you'll hear, Mr Callahan, I can confirm some of those facts. If you turn, in exhibit 1, volume 1, to tab 6, you'll find a copy of the informations that were actually sworn on April 25, 1994. You will be hearing evidence. I will be asking questions of a number of witnesses about these informations, the fact of them and the nature of the charges—not the merits of them, of course—and you'll see from these informations that there are six that were sworn by Ms Pretty on April 25, 1994. Towards the back of that tab—the pages are actually numbered in the top right-hand corner—if you look at page 17, you will see an information completed by Ms Trinh Luu. That is the seventh to which I referred. All of them deal with alleged infractions of the Corporations Act, and it was for that reason that when Ms Marland asked me the question, I used the language that informations were sworn on that date.

I understand that you will hear—you'll appreciate, Mr Callahan, that I'm being careful in my response, because as your counsel I don't wish to be in the position of giving evidence, but I anticipate that you will hear from one or more witnesses that during the month of April 1994 there were ongoing discussions between a representative of the crown's offices and Ms Pretty or Ms Luu, that that involved a trained person in the crown's offices, not a provincially appointed crown attorney, but that ultimately the advice of a crown attorney was sought and that the result of seeking that advice was that these informations went forward. It is my understanding that you'll hear evidence that there was initially consideration being given to a larger number of charges and that these are the ones the crown offices then determined to become involved in and these did go forward.

I hope that clarifies that there was certainly involvement with the crown's offices. There was, as you point out, a determination, on consultation with the crown attorney, that the crown would prosecute the informations before you, and they are being prosecuted by the crown's offices: those informations set out at tab 6; no others of which I am currently aware.

Mr Callahan: Just so I'm clear and the other members are clear, on April 6 the charges were brought to the attention of the crown attorney but not laid and over that period of time from April 6 to April 25 the crown considered whether it was appropriate to pursue those, and as a result of that the informations were laid on April 25 and the crown is now looking after the prosecution of those charges.

Ms Cronk: As to the dates when the crown's offices were first consulted, as to the length of time over which they considered the matter, I would suggest, Mr Callahan, that it would be appropriate to wait to hear the evidence of the witnesses. But I can certainly confirm, as I did a moment ago, that the informations at tab 6 are being proceeded with, based on the information available to me, and that that is being done now by the crown's offices,

following consultation with a crown attorney in the month of April 1994.

Mr Callahan: So it's not a private prosecution.

Ms Cronk: It is not, and if that was taken from my remarks, I didn't intend to suggest that. But I'm also saying to you that with respect to the number of originally proposed charges, the timing of discussions with the crown's offices and whether they were deliberated upon for that length of time or not, you should hear from the witnesses, not from your counsel.

Mr Callahan: Fine. Thank you very much.

Ms Cronk: You're welcome.

The Chair: Okay. Are we ready to proceed with the opening remarks?

Ms Cronk: Almost.

The Chair: Almost? Okay.

Ms Cronk: Almost completed, Mr Chair; that's right. If I may take the time of the committee for two further brief remarks, this is actually designed to help you with the paper. I hope it may ultimately prove to be the case that it is assisting you with the paper.

With respect to the Statement of Selected Background Facts at tab 4 that is now before you as volume 1 of exhibit 1, I have said to you, and I would just like to emphasize again, that that statement is not intended to be a comprehensive chronology of all events relating to the Van Lang Centre. It is not. It is intended to highlight for committee members in a neutral fashion, without any descriptives or subjective commentary, facts that may be of assistance to you in understanding the background during the period—and I'd like perhaps to suggest you make a note of the time frame—May 1993 up to and including April 1994.

As you will appreciate, as we come closer in time to the June 17 meeting, some controversy over events and involvement of various people may arise, and for that reason that Statement of Selected Background Facts does not deal with anything that occurred after April 1994. That you will hear in evidence. So I ask you to bear that in mind when you read that Statement of Selected Background Facts. The intention is to proceed through the background with various witnesses by asking them to review and verify the facts set out in that statement.

As to the balance of the documents that I'm going to ask you to receive, there are two more volumes to exhibit 1. I'm going to ask that they be given to you now. There is also a fourth volume, exhibit 2, and I explained to you earlier what's in those documents. There are a number of documents in exhibit 1, volume 3, that I wish to draw to your attention at this time, so perhaps I could wait while they're distributed to you, and then I will show you where to find them.

1010

Mr Callahan: While they're passing that out, I note the information you have here was probably prepared prior to today. Can I inquire as to whether or not Ms Pretty is any longer a director of the corporation, or has she been in fact discharged by a meeting of the board of directors? I understand that a meeting took place today,

while she's here, that she was discharged as a director.

Mr Charles Harnick (Willowdale): Why don't we hear this in the evidence and get going?

The Chair: Yes, I think we're jumping ahead here.

Mr Callahan: It wouldn't be in here, because it's—

The Chair: This is a question that you can ask, Mr Callahan.

Mrs Marland: You can ask questions.

Mr Callahan: Thank you, Charlie, thank you, Margaret, for your help and assistance.

Ms Cronk: Perhaps if we could turn, then, to the documents.

Mr Harnick: Almost Friday; we're going to be finished by then. You're the ones who complained we weren't getting enough time. Now let's get on with it.

Mr Callahan: All right. Okay, Charlie.

Ms Cronk: In volume 3 of exhibit 1, may I draw the following documents to the attention of the committee. I'm not suggesting that you read them now, but I wish you to be aware of the fact that they're there. At tab 80 are briefing notes of the Minister of Housing dated June 17, 1994. That's at tab 80 of volume 3 of exhibit 1, which we don't have yet on the right hand of the room but it's coming. They're briefing notes dated June 17, 1994, and I anticipate that you're going to hear in evidence that those notes were provided to the minister at the meeting of June 17 by certain of the directors of the Van Lang Centre. The documents that I'm drawing to your attention now relate specifically to the June 17 meeting, and it may simply be a shortcut for the committee members through some of this paper.

At tab 81 are found handwritten notes prepared by a Ms Audrey Moey concerning the June 17, 1994, meeting. Ms Moey is a member of the constituency office staff of Ms Gigantes in Ottawa. I should tell the committee that there were nine people, as I understand the information you're going to receive, in attendance at the June 17 meeting. Some of those individuals made notes at the meeting; some of those people made notes shortly after the meeting; some of those people made notes at a lengthier point later, subsequently after the meeting. All of those notes of which we are aware are contained in volume 3. At tab 81 are the notes of Audrey Moey.

At tab 82 are handwritten notes of Dr Vinh Tang, one of the directors of the Van Lang Centre, who was present at the meeting. At tab 83 are the notes of Brian Sutherland of the Ministry of Housing offices in Ottawa. Mr Sutherland was at the meeting. At tab 84 are notes prepared by Dr Can D. Le, one of the directors of the Van Lang Centre, who was present at the meeting. At tab 85 are notes prepared by Sharron Pretty, subject to the response to Mr Callahan's questions, one of the directors of the Van Lang Centre; certainly she was on June 17, and of course she was at that meeting. At tab 103 are additional notes prepared by Brian Sutherland of the Ministry of Housing offices in Ottawa on or about July 14 of this year concerning the June 17 meeting.

In addition, the committee members may wish to make note now of the following documents. At tab 106 is a

statement by the Minister of Housing, Evelyn Gigantes, dated today, August 8, concerning the June 17 meeting and the events leading up to it. That's at tab 106, a statement by the Minister of Housing dated today.

At tab 86 are typewritten notes prepared by Sharron Pretty concerning her recollection of the June 17 meeting.

Mr Callahan: Sorry, what tab was that?

Ms Cronk: At tab 86.

The Chair: Is there an index in the front?

Ms Cronk: Yes, there is.

The Chair: Okay, there's an index in the front, Bob.

Ms Cronk: Those notes I understand to have been made after the meeting on June 17.

At tab 87 is a memorandum from Sharron Pretty, dated June 23, again concerning the June 17 meeting.

The committee should also be aware that seven days before the meeting giving rise to the allegations against the Minister of Housing, on June 10 of this year, a meeting took place between the Minister of Housing and Ms Trinh Luu that was also attended by Ms Audrey Moey. Remember, I said a moment ago that she's a member of the minister's Ottawa constituency office staff.

At tab 70—these are all still in volume 3—is a document prepared by Ms Trinh Luu concerning that June 10 meeting.

At tab 72 are handwritten notes prepared by Audrey Moey concerning the June 10 meeting. Those are notes by Ms Moey of the June 10 meeting between the Minister of Housing and Ms Trinh Luu.

The other documents in volume 3 are of course relevant as well, but I draw those particular documents to your attention because they relate directly to the June 17 meeting and because they are either notes prepared at, shortly after or at some point thereafter by various persons who were involved in the meeting.

Mr Chair, that does conclude my introductory remarks to the committee, and I understand that you may wish to hear from caucus members by way of an opening statement.

The Chair: Fine, thank you. Another thing is that as we go through and the witnesses come forth maybe you can give a little background of what sections we'll be in, which will help all the committee members as we're going along to guide them through.

What we have now is five minutes on opening statements from each of the three caucuses, and I will start in a clockwise fashion. As witnesses come forward and there are questions, I will be rotating. I will start with the Liberals first and then the Conservative Party and then the New Democratic Party in rotation after each witness. You won't be the first one to ask the questions, but you'll be able to hear some of the other questions coming out. From the Liberal caucus, do we have a spokesman? Mr Chiarelli.

Mr Robert Chiarelli (Ottawa West): I'll start and I'll share my time with my colleagues. I will be very brief. First of all, I want to acknowledge, particularly when this particular committee has been brought together

on such short notice, the very professional and efficient and, if I may say, caring way that the special counsel and the clerk, Lisa Freedman, and the Chair of the committee, Ron Hansen, have performed and assisted the committee. It's been very professional, very helpful, and I think it helped to set the tone for the next two weeks.

I do want to acknowledge as well the very unfortunate situation and experience that a number of the witnesses find themselves in, first of all having to come before this committee and deal with what is essentially a political issue when in fact they were interested in trying to make a non-profit housing corporation work much better, particularly with respect to Sharron Pretty and Trinh Luu, who, I am sure, would much rather not be here and try to solve the problems in a productive, positive way. But unfortunately we do have this hearing—it is restricted in scope—so we appreciate the fact that they are here and they are being very cooperative.

I also want to acknowledge the level of cooperation on the part of all the parties, the NDP, the Conservatives and the Liberals. A lot of decisions have had to be made over the last number of weeks and they've been made, by and large, in a climate of cooperation and agreement, with several exceptions, and I'd like to highlight two of those exceptions. That is, in particular, the refusal on the part of the government side to permit some additional time to examine witnesses, perhaps as little as one extra day. I am hopeful that as we get into the week, the three parties and the special counsel may be able to come to an agreement on providing that additional time.

The other comment I would have is the non-appearance of the Premier, who basically initiated this particular hearing without being asked to do so in the Legislature by the opposition parties and who has subsequently refused to come and indicate or describe how he would interpret his own guidelines. The Premier, as you would be well aware, is the only arbiter and decision-maker with any recommendations that we can make. In fact, any recommendation we make, the Premier could choose to ignore. I think it would have been very helpful to the committee to have the ultimate judge and arbiter of the Premier's guidelines here to explain, as has happened on previous occasions where Premiers have come before this type of committee.

I would indicate that I hope the general climate of cooperation will continue throughout the next two weeks.

1020

Mr Callahan: Tim, did you want to say something? Is there a minute left?

The Chair: About 30 seconds.

Mr Callahan: In thirty seconds, I'd just say that I understand the legislative counsel had recommended that these hearings last longer than they have, and I join with my friend in saying they should. I think it's most important that this committee be heard, because the nature of the evidence may very well be not just one of perhaps conflict-of-interest guidelines, and I think it's important for the public to have an opportunity to air the evidence in this matter and hear it.

Mrs Marland: Today we are embarking on a very

expensive voyage, and the expenses are being paid by the taxpayers of Ontario. This is one sailing which never needed to leave shore. It is unforgivable that this tremendous expense is necessary because a number of people simply did not do their jobs. We will find it quite a rough sea at times, I am sure, as different versions of the same event are tossed out while everyone is scrambling to repair their lifeboats.

Our mandate, as has been said, is to investigate allegations of breach of the conflict-of-interest guidelines by the Minister of Housing in connection with her meeting with the board of the Van Lang Centre on June 17, 1994. On that matter I have an open mind because, in any case, it would be up to the Premier to make the final decision, and he has already told the Legislature that he does not think his minister did anything wrong. He also declined to attend these meetings to explain his own guidelines.

So why are we here at sea wasting time and money, in some people's opinion? I believe that when and if the public's trust and confidence have been placed at risk because of certain actions by government, the public then has an absolute right to know the truth. I believe we must expose a government if it enabled a system to deny certain rights to two of its citizens.

Whether we deal as legislators with the rights of two or the rights of 2,000, it is of paramount importance to protect those rights, and I will fight, along with Mr Harnick, my colleague, passionately for this principle.

The two citizens I speak of, Trinh Luu and Sharron Pretty, did not seek personal gain or publicity, as events leading up to the June 17 board meeting will clearly show. They simply wanted to ensure that the Van Lang Centre was competently managed, that it provided housing to those who most needed it, regardless of the applicant's ethnic background, that it was publicly accountable for the government subsidies it receives, and that it complied with the government's own policies.

These two strong and intelligent women had both the courage and the tenacity not to give up trying to obtain help from an inefficient bureaucracy in order to remedy serious problems in the common interest of all tenants and taxpayers. For two years I have been asking this Minister of Housing to get her ship in order, to tighten the ropes, close the hatches and stop the taxpayers' dollars, in millions, from floating out to sea.

The Provincial Auditor identified serious problems with the non-profit housing program in his 1992 report. He mentioned the lack of hundreds of operating agreements and the \$200 million that was lost because of paying too much for land purchases and construction. I understand that the Van Lang Centre still does not have an operating agreement, among many other discrepancies.

On this voyage, we will hear about the denial of access for a constituent to a meeting with her MPP until after someone else's evidence caused the crown to lay charges against four present board members of the Van Lang Centre.

We will also learn how Trinh Luu, who at this point had not laid charges yet, came to Toronto at her own

expense in May to meet with my staff only after the Ministry of Housing had not resolved the problems that had plagued the Van Lang Centre for 14 months. The minister's own staff told us the minister could not meet with Trinh Luu because the matter was before the courts. Trinh Luu is a constituent of Evelyn Gigantes and had requested a meeting with her for eight months.

The question we must ask is, why only after the crown laid charges based on Ms Pretty's evidence did a meeting with Ms Luu finally take place? Because my office asked for it? I doubt it.

Trinh Luu asked that I not raise the case in the Legislature until after we had dealt with the minister's office. That is exactly what my staff and I did, away from the harsh light of the Legislature and the media. My executive assistant, Mora Thompson, telephoned Marc Collins on May 27, 1994.

So now we have to ask, why did the minister attend a board meeting in private session with the person, Sharron Pretty, who had laid charges and the four other board members who were charged? Why is she now meeting with Ms Pretty after two of her staff, Sue Lott and Marc Collins, have said she could not touch the case because it was before the courts?

Only the minister knows that answer as to why she would attend a meeting between five parties who would be in court together. Only Sharron Pretty knows how intimidating it was to attend a meeting with a minister of the crown and to be the only person in the room on one side of the issue versus eight people on the other side. Only the minister can tell us if this was at least an abuse of her powers.

Finally, is this voyage necessary? Yes, to learn the truth. By what star do the Minister of Housing and her staff navigate, and why have they been fogbound for so long? We hope we will learn the answers.

The Chair: Mr Sutherland.

Mr Kimble Sutherland (Oxford): Thank you, Chair. Just before I make comments, I too want to compliment legal counsel and her associate for their work in this. I do believe they've handled it in a very professional manner.

I also want to indicate to everybody that this committee is sitting beyond normal hours. We've added two hours every day. We've also given legal counsel the option, if they want to sit past 6 o'clock, to do so. So there has been much accommodation on providing extra time so that we can hear everything from the witnesses.

Mr Chair, these hearings are about a minister who was just doing her job. On June 17, the Minister of Housing met with Van Lang's board of directors to try to help them put aside their personal differences, differences which had brought their work to a standstill. The minister knew Van Lang's history. The non-profit had gone through four project managers in 18 months, had serious administrative problems, and was plagued by personal conflict. She knew the ministry had been working with the non-profit for months to help the board clear up its administrative problems. She knew about the different factions that had developed on the board, and that the conflict was escalating at a rapid pace.

As the Minister of Housing, she knew that if the board breaks down, it can't make the decisions it's responsible for, it can't ensure the non-profit is operating the way it should. Ultimately, the board was unable to function effectively, and that's when the minister felt it was time to get involved.

The minister was asked by all parties, on several occasions, to meet on this issue. She waited until the ministry had done what it could to solve Van Lang's administrative problems, but the board was still crippled by the personality conflict. She then agreed to a meeting to try and help members get to a place where they could start resolving their differences.

On June 17, the minister simply tried to mediate between the two factions that had developed on the board. We believe the evidence will show the press coverage following the meeting focused on the minister's attempt to help the group resolve its dispute. There was no mention of conflict of interest until the opposition began throwing around allegations that the minister was trying to interfere in a court case. Then the issue took on a life of its own.

We wonder what the opposition reaction would have been if the meeting had been successful, if the meeting with the minister had brought both sides in this dispute together. Would we say she was in a conflict then?

1030

We believe the evidence will show that according to the Premier's guidelines, there's no conflict of interest here. The minister did not at any time talk to a judge, police officer or prosecutor; neither did her constituency office staff. No other ministry or tribunal was involved, and even if you're looking at the principles the guidelines are based on, there is still no conflict.

The minister simply offered to help the board, allowing the members themselves to determine how they wanted to proceed. She was not acting on behalf of any special interest or any constituent; she was acting on behalf of the best interests of Van Lang's residents, the people who would ultimately be affected by what happened with the board, the people she is responsible to as the Minister of Housing.

The meeting was not held to discuss a court case. It was held to see if the board could put its differences aside long enough to try and deal with its problems.

We believe the evidence will show the minister didn't pressure Sharron Pretty to drop her charges under the Corporations Act, and in fact the minister made a point, on several occasions throughout the meeting, of saying that there was no pressure to immediately resolve the issues at hand. There was no pressure for Sharron Pretty to respond to any questions. There was no pressure to even set a time for another meeting. The minister was excruciatingly careful on this point. This was a time to talk, not a time to make decisions.

The government agreed to these hearings because we believe in open public process. We know that there's more opportunity for questions, contacts and real discussion in committee, but the value of the work done in committees is compromised when we waste time digging

for dirt. Many of the facts of this case are already on the table. They've been in Hansard and they've been in the papers.

The minister was just doing her job. The Minister of Housing did what we expect our ministers to do. She showed leadership. She tried to solve a problem. Her motivation was clear. She was working in the best interests of the residents of Van Lang, and after all, that's her job.

The Chair: Thank you, Mr Sutherland.

Mr Callahan: On a point of clarification: Procedure-wise, it was my understanding that committee counsel, when we started out in these proceedings, indicated that, because along the way there may have to be findings of credibility made, we not make a decision in advance. That last speech tells me that this member has already made up his mind. I wonder if I can ask you, should that member now withdraw from this hearing because he's not able to independently listen to the evidence and decide on questions of credibility?

Interjections.

Mr Callahan: Well, counsel suggested that to us, and you've just given us a reiteration or an iteration of what you believe, so how can you possibly sit on a committee and assess credibility without being tarnished by the fact that you've already made up your mind?

The Chair: I'll ask legal counsel. Eleanore, would you mind?

Ms Cronk: Mr Callahan, I think it would be completely inappropriate at this point or any later point for me, as your counsel, to presuppose the state of mind of any member of this committee. I have every confidence that members of the committee will allow us to begin the evidence and to hear it, and if in due course there is some concern on your part about that, that's not a matter for legal advice but by determination of this committee. I would hope that every member would be prepared to hear the evidence with an open mind, starting now.

TRINH LUU

The Chair: I'd like to call the first witness, Ms Trinh Luu. I'll have the clerk administer the oath.

Clerk of the Committee (Ms Lisa Freedman): Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Ms Trinh Luu: Yes.

The Chair: Ms Cronk.

Ms Cronk: Thank you, Mr Chair. Good morning, Ms Luu.

Ms Luu: Good morning.

Ms Cronk: I just wish to begin by identifying the counsel who appear on your behalf for the benefit of the committee. Mr Colin McKinnon and Mr John Dempster appear on behalf of Ms Luu this morning and are seated to her immediate left.

Ms Luu, just before we begin, there's one more housekeeping matter, if I might be permitted to deal with it.

Mr Chair, I wonder if I could ask the committee to

receive as exhibit 3 a document entitled Schedule of Involved Persons. This has been prepared by Mr Hourigan and myself really as an aide-mémoire to the committee in an effort to assist you as you hear the evidence as to who various individuals are who have signed a variety of documents.

Sorry for that interruption, Ms Luu.

Could that be received then as exhibit 3, Mr Chair? Thank you.

Ms Luu, I'm a fair distance away from you in this room and I'll do my best to ensure that my voice is loud enough for you to hear me, but if at any point you cannot, would you indicate that to me. Similarly, because we are a little distance apart, I wonder if I could ask you to keep your voice up as well so that those at this end of the room will be able to hear you.

May we also have this agreement, at the beginning of our discussion, Ms Luu: If you do not understand at any point any question that I ask you or you wish a moment to reflect upon it, would you let me know that? Thank you.

As I understand it, Ms Luu, you currently reside in the city of Ottawa.

Ms Luu: Yes.

Ms Cronk: You are a second-year law student at the faculty of law, the University of Ottawa.

Ms Luu: I will begin my second year this fall.

Ms Cronk: You've just completed then, I take it, your first year of studies at the faculty of law?

Ms Luu: Yes.

Ms Cronk: As I understand it as well—if I can be permitted simply to lead you through some of the early background, please correct me when I get these facts wrong—you came to Canada in approximately 1988. Is that correct?

Ms Luu: Yes.

Ms Cronk: In 1989, as I understand it, you worked for part of the year at an organization known at the Vietnamese Canadian Federation in Ottawa?

Ms Luu: Yes.

Ms Cronk: And did you, while working with that organization, have occasion to meet an individual by the name of Dr Can D. Le?

Ms Luu: Yes. I knew him by then.

Ms Cronk: Who did you understand Dr Can D. Le to be?

Ms Luu: Pardon me?

Ms Cronk: Who did you understand Dr Can D. Le to be?

Ms Luu: He is a veteran volunteer. He's very active in community work and he's quite a prominent figure in our community.

Ms Cronk: I'm sorry, Ms Luu, I lost the last part of that. He's quite a prominent—

Ms Luu: He's quite a prominent figure in our community, and he initiated a lot of projects. He applied for funding for a lot of projects.

Ms Cronk: And you first met Dr Can D. Le approximately when?

Ms Luu: When I started to work as an administrative assistant at the Vietnamese Canadian Federation. That would be in March 1989.

Ms Cronk: As I understand it, in 1990 you commenced studies at the University of Ottawa, studying sociology. Is that correct?

Ms Luu: Yes.

Ms Cronk: Did you ultimately obtain your degree in sociology from that university?

Ms Luu: I did.

Ms Cronk: When was that?

Ms Luu: In April 1992.

Ms Cronk: During the summer of that year, did you have occasion to begin working at the Van Lang Centre in Ottawa?

Ms Luu: Yes.

Ms Cronk: And when exactly was that?

Ms Luu: It was in July.

Ms Cronk: I wonder if I could ask the clerk to provide to Ms Luu—you have in front of you actually three volumes of documents; one of them should be entitled exhibit 1, volume 1. Ms Luu, I wonder if you could put that in front of you, if you would, please. If you turn to tab 4 of that volume of exhibits, you'll see the document that you've heard me refer to before the committee this morning as the Statement of Selected Background Facts. Do you have that?

Ms Luu: Yes.

Ms Cronk: Could I ask you to look, if you would please, at paragraph 8 of that statement, found at page 3, which reads:

"In July 1992, Ms Trinh Luu began working at the Van Lang Centre. In September 1992, she assumed the position of acting property manager of the centre. On or about January 1, 1993, she became property manager and held this position until September 3, 1993, when she resigned from her employment effective September 8, 1993, to return to school. Ms Luu recently completed her first year of studies as a law student at the faculty of law at the University of Ottawa."

Can you tell the committee, Ms Luu, are the facts in that paragraph substantially correct?

Ms Luu: Yes, they are correct.

Ms Cronk: As I understand it then, having commenced your employment with the Van Lang Centre in the summer of 1992, you worked first as the acting property manager of the centre?

Ms Luu: No. When I started in July 1992 it was on a contract employment, and I was asked by Dr Can Le to prepare the financial statements of the capital phase.

Ms Cronk: The capital phase of construction of the project?

Mr Luu: Yes, of the centre.

1040

Ms Cronk: And shortly thereafter you became the

acting property manager?

Ms Luu: Yes, when I was working there, the first property manager, Mrs Tran, quit, so I was there. I was working in an office opposite to her office. So Dr Le just asked me to unofficially assume her functions. I did that for a week and then the position was opened for competition. I applied and I got the job.

Ms Cronk: As I understand it, then, for approximately one year, that is, from the period of approximately September 1992 until September 1993, you served either as the acting project manager or as the full-time project manager of the Van Lang Centre. Do I have that correctly?

Ms Luu: Yes.

Ms Cronk: In addition, as indicated by paragraph 8 of the statement of background facts, you commenced your studies as a law student in the fall of 1993.

Ms Luu: Yes.

Ms Cronk: Based on what you've just told the committee, you assumed the position of acting property manager following a competition from which you successfully emerged as the successful candidate and you were replacing Ms Trinh Tran, the former property manager. Is that correct?

Ms Luu: That's correct.

Ms Cronk: All right. Had you personally known Ms Trinh Tran or dealt with her at any point?

Mr Luu: No, I saw her only when I started the job in July, because we were in separate offices and I worked independently from her job. I was looking at the capital phase files. I knew her only by then, but before that I never saw her or knew her personally.

Ms Cronk: Could you look at paragraph 7 of the statement of background facts as well? You'll see that it concerns a Ms Trinh Tran and it suggests in that paragraph that she served from February to August 1992 as the first project manager of the centre and that, effective on or about August 24, 1992, she resigned her position as property manager and left its employ. It goes on to deal with what occurred after her resignation, specifically that at the time of her resignation she expressed a number of concerns relating to the management of the Van Lang Centre and that she later commenced civil proceedings against the corporation, alleging wrongful termination of her employment.

Are you in a position, based on your own knowledge of the matter, to indicate whether the facts in that paragraph are substantially correct?

Ms Luu: Yes, they are.

Ms Cronk: Similarly, with respect to the statement of background facts, paragraphs 1 to 4, Ms Luu, you'll see there that there is an introduction set out concerning the Van Lang Centre itself.

Ms Luu: Excuse me, what page is that?

Ms Cronk: Starting at page 1.

Ms Luu: Oh, 1 to 4.

Ms Cronk: Paragraphs 1 to 4 concern the Van Lang Centre itself. Would I be correct in assuming that once

you began your employment at the Van Lang Centre you became familiar, if not immediately, then shortly thereafter, with certain of the history relating to the centre and its opening?

Ms Luu: Yes. I should say that eight months after I took over from Trinh Tran I became aware of the legal documents that state the purpose for which the project is created. It was in June 1993 that I obtained a copy of the letters patent and only then did I realize what the project was developed for.

Ms Cronk: All right. And that occurred in June 1993.

Ms Luu: Yes.

Ms Cronk: All right. When you first began the job, however, I take it that you familiarized yourself with the centre and the date of its opening, that kind of thing?

Ms Luu: No, not at all. When I took over I knew nothing about housing and I did not take the job. I did not apply until the last day. Dr Can Le and other board directors encouraged me. They said, "This is an on-the-job learning, so don't worry, you'll be fine." So I applied. I got it and it was really an on-the-job learning process and the more I learned the more I found out about the problems at the centre.

Ms Cronk: All right. Based on having worked there for the period of time that you did, Ms Luu, can you confirm to the committee, as suggested by paragraph 3 of the Statement of Selected Background Facts, that the centre opened in approximately June 1992?

Ms Luu: Yes. I know the first batch of tenants moved in starting July 1, 1992, so this is when the operating phase starts.

Ms Cronk: Is it also correct—and please tell me if it is not—as suggested by paragraph 3, that it was opened as a non-profit housing project on a site jointly developed with an organization known as City Living of Ottawa?

Ms Luu: That's true.

Ms Cronk: And is it a 70-unit apartment building on lands, as I say, jointly developed by those two organizations?

Ms Luu: Yes.

Ms Cronk: With respect to the actual operation of the Van Lang Centre, I take it that was a matter that you learned about over time once you began working there. Is that fair?

Ms Luu: Yes.

Ms Cronk: All right. Who hired you at the Van Lang Centre, Ms Luu?

Mr Luu: Three board members interviewed me.

Ms Cronk: And who are they?

Ms Luu: They were Ngoc Tran, Liem Deong and My Nguyen.

Ms Cronk: At the time you started to work at the Van Lang Centre, what position did you understand Dr Can Le held with the corporation, if any?

Ms Luu: He was the secretary. That was his title, but he's really the main driving force of the project.

Ms Cronk: During the course of the first several months of working at the centre, did you work with Dr

Can Le from time to time?

Ms Luu: I worked under his direct supervision and we talked every day. We were very close.

Ms Cronk: During the first several months of working at the centre, how would you describe your relationship with Dr Can Le?

Ms Luu: Very good.

Ms Cronk: And did you at that point have any direct dealings with the board of directors of the centre? I'm talking now about the fall of 1992.

Ms Luu: Yes. I saw other board members at board meetings, but I reported to Dr Le on the day-to-day operations of the centre. He used to call in every day at the end of his workday and ask, "So what's happened? Is there anything new?" and then I started to report what happened at the centre.

Ms Cronk: Was it part of your job responsibility, Ms Luu, to attend board meetings at the centre?

Ms Luu: I understand so, because it was only at board meetings that I could report to the board what happened regarding the daily operations of the centre, the difficulties I encountered, the tenants, problems with the tenants, basically on the daily management operations at the centre, and I have to report to them monthly.

Ms Cronk: During the first several months of the fall of 1992, that is, after you first began to work at the centre, did you develop any concerns about the centre, or did the fall progress relatively uneventfully?

Ms Luu: I developed my concerns over the superintendent's qualifications and performance right one week into my job. I realized that at that time the centre did not have any fire safety procedures, no instructions on fire safety to tenants, and we had a constant problem with the fire alarm system. I found out that I didn't know anything, nor did the superintendent. He didn't know anything, he didn't speak English, and he totally relied on me. So I asked him whether he took any course in fire prevention—

Ms Cronk: I'm sorry, Ms Luu, to interrupt. I don't mean to be rude. The details of the concerns about the superintendent I know are important to you, but for the purposes of the committee perhaps I could just ask you—you've told the committee you developed concerns about the superintendent. Did you at that point, in the fall of 1992, bring those concerns to the attention of the board and Dr Can Le, or did that happen later into 1993?

Ms Luu: I immediately brought my concerns to Dr Le in our daily conversations and Dr Le instructed me to enrol him in a fire prevention course for building superintendents, and I did.

1050

Ms Cronk: And did there come a point in time when your concerns about the superintendent intensified or became even greater than they were initially?

Ms Luu: Yes. It was at the end of December when I started to wonder where he was every day. I was locked in my office, I didn't see him and I didn't have any daily schedule for him, so I asked the superintendent to produce his daily maintenance schedule and he refused to do

so, so I reported my problem to Dr Le. Dr Le didn't seem to push him to comply with my request, so at the board meeting of January 27 I looked into the management plan, I looked carefully at both our job descriptions, and I compiled a list of what I understand a superintendent is supposed to do in the building. That document was entitled Interpretation of the Superintendent's Job, according to the management plan, according to his job description. I submitted it to the board and I sought assistance from the board to help me solve the issue of the super's insubordination in not submitting a daily maintenance schedule to me.

Ms Cronk: All right. That took place towards the end of January, January 27, 1993?

Ms Luu: Mm-hmm.

Ms Cronk: Would it be fair then, Ms Luu, to say, leaving aside the details of your exact concerns with respect to the superintendent, that you did have the concerns you've mentioned and you brought them to the attention of the board and sought guidance on them by the end of January 1993? Is that correct?

Ms Luu: Yes, that was the first official time I expressed my concerns to the board.

Ms Cronk: And thereafter, that is, from and after the end of January 1993, did you also develop—again, without telling me what they were at this moment; we can come back to that—did you also develop a number of other concerns relating to the centre?

Ms Luu: Yes. I dealt with the superintendent first. I saw that he had problems. I reported to my supervisor, Dr Le, and I started to realize that Dr Le was reluctant to take any action against the superintendent. I asked Dr Le to encourage the super to take an English course and Dr Le didn't seem to push the super to take any courses, so I started to realize that there was something—I don't know why Dr Le did not use his influence as the board secretary and as our direct supervisor to push the superintendent to improve his skills or his language.

Ms Cronk: Were your initial concerns then focused on the superintendent?

Ms Luu: That's true.

Ms Cronk: And subsequently, did you come to be concerned personally with respect to Dr Can D. Le and his response in dealing with the situation?

Ms Luu: That's true.

Ms Cronk: Could I ask you to look at paragraph 11 of the statement of background facts, if you would, please. It is suggested in that paragraph, Ms Luu, as you will see, that throughout the spring and early summer of 1993, you developed a number of concerns regarding the Van Lang Centre. Just stopping there for a moment, is that correct?

Ms Luu: Yes.

Ms Cronk: It is also suggested in that paragraph that in mid-June 1993 you had communications with Mr Brian Sutherland of the Ministry of Housing offices in Ottawa, relating to certain of your concerns with respect to the Van Lang Centre. Is that statement correct or incorrect?

Ms Luu: It is.

Ms Cronk: Who did you understand Mr Sutherland to be?

Ms Luu: I understand that he's the big boss at the regional office.

Ms Cronk: In this paragraph, the concept of "big boss" is defined as the regional manager of the eastern regional offices of the Ministry of Housing. Did you then know what his official title was or did you just understand him to be the senior person at that office?

Ms Luu: I inquired with the Ministry of Housing, because I was dealing with Mr Bill Clement and I wasn't satisfied with his response. So I said, "Okay, I'm not satisfied; I will go higher," and then I inquired with the Ministry of Housing and I know that Mr Clement's boss is Mr Sutherland.

Ms Cronk: Who was Mr Clement? How was it that you were dealing with him?

Ms Luu: Mr Bill Clement is our housing administrator. He is the closest official that deals with us from the Ministry of Housing.

Ms Cronk: When you say that he is "our housing administrator," are you referring to the Van Lang Centre?

Ms Luu: Yes.

Ms Cronk: When you indicate that "He is the individual who most closely was dealing with us," again do you mean the Van Lang Centre?

Ms Luu: Mm-hmm.

Ms Cronk: At what point did you begin to deal with Mr Clement of the Ministry of Housing? When did you first start to have dealings with him?

Ms Luu: It all began in March 1993 when the superintendent's probation period ended and I was supposed to file a performance evaluation for the superintendent. I did that. I followed all the rules approved by the board and drafted by Dr Le, but he voided my report because it was damaging for the superintendent's employment, because I recommended that he be terminated. So he voided my report. I wrote to the board. I asked for feedback on my report. Nobody said anything. I exhausted my arguments, I wrote and wrote, and all board members did not respond to my requests, to my letters. They just sat back and they let me fight against Dr Le. I wrote, I put it in writing, and I found that it had come to a point that I should let Mr Bill Clement know about the situation.

Ms Cronk: And did you do that in the spring of 1993?

Ms Luu: Yes. I started to—

Ms Cronk: Perhaps we could just deal with the time frame first. I don't mean to cut you off, Ms Luu, but if I could just make sure I understand your evidence as we go. So do I have it then that in the spring of 1993, you dealt with Mr Clement about your concerns with respect to the superintendent?

Ms Luu: Yes. It was on May 3.

Ms Cronk: May 3, 1993?

Ms Luu: Mm-hmm.

Ms Cronk: In the following month, as suggested by paragraph 11 of the statement of fact, did you communi-

cate at that point with Brian Sutherland, again about your concerns relating to the superintendent?

Ms Luu: Not until June 16.

Ms Cronk: In that communication on June 16 with Mr Sutherland, were you raising at that time concerns about the superintendent?

Ms Luu: Yes, the superintendent's problems and Dr Le's problems.

Ms Cronk: Were they much the same kind of concerns that you'd earlier raised with Mr Clement?

Ms Luu: Yes.

Ms Cronk: Once you had raised those concerns with Mr Clement, did he respond formally, in so far as you were aware, to the issues that you had raised?

Ms Luu: Yes, he did.

Ms Cronk: When was that, if you now remember?

Ms Luu: On May 14 he visited the centre and I showed him a memo in which Dr Can Le asked me to perform certain areas that were deleted from my amended job description. I said to Mr Clement, "This is pressure, and I understand now why the former property manager said she was given pressure by Dr Can Le to quit." So Mr Clement was really concerned and he asked me: "Who is the president? What is the president's name?" and I gave him the president's name. On May 21 or May 27, the board president received a letter from Mr Bill Clement urging the board to become actively involved in the resolution of the problems and reminding the board of the respective roles played by the manager, the superintendent and the board.

Ms Cronk: Did you see a copy of that letter following its receipt at the Van Lang Centre?

Ms Luu: Yes, because it was faxed to the centre and I saw it.

Ms Cronk: All right. Could I ask you to look at exhibit 2, which is I think one of the volumes in front of you, Ms Luu. It should say "Exhibit 2" on the front of it. Sorry, it's a little confusing.

Interjection.

Ms Cronk: Apparently you don't have it yet. Sorry about that. The clerk has informed me that exhibit 2, and I apologize for this, Ms Luu and members of the committee—the final copying and binding is still being done. I thought that was distributed earlier. May I, Mr Chairman, have leave to approach the witness and show her a document?

The Chair: Yes.

Ms Cronk: These documents will be before the committee very shortly. Ms Luu, I'm going to show you—

The Chair: Wait until you get there, because the mike won't pick it up.

1100

Ms Cronk: Ms Luu, I'm just going to share your microphone for the question so the committee can hear me. I'm showing you a document dated May 21, 1993, and it is expressed to be from Mr Bill Clement, described as housing administrator of the Ministry of Housing, and

it is addressed to a Mr Ngoc Tran, president of the National Capital Region Vietnamese Canadian Non-Profit Housing Corp. Is that the letter to which you referred just a moment ago?

Ms Luu: Yes, it is.

Ms Cronk: Is that the response from Bill Clement that you indicated was faxed to the centre?

Ms Luu: That is.

Ms Cronk: You indicated just a moment ago to the committee that Mr Clement had urged in this letter—

The Chair: Sit down.

Ms Cronk: Thank you, Mr Chair. I hope not to be here that long, sir, but thank you.

Mr Callahan: I think you just earned your name: Mr Chair.

Ms Cronk: In this letter, you had indicated to the committee that Mr Clement had urged the board to work to try to resolve these difficulties?

Ms Luu: To become actively involved, because they didn't do anything.

Ms Cronk: To become actively involved in the problems that had arisen?

Ms Luu: In the process; to become actively involved in seeking a resolution that serves in the best interests of the building board, staff and tenants.

Ms Cronk: You're referring in that regard to the last paragraph of Mr Clement's letter?

Ms Luu: Mm-hmm.

Ms Cronk: Right, and is there mention also in this letter, Ms Luu, of a compliance review?

Ms Luu: Yes.

Ms Cronk: What, as you understood it, was Mr Clement proposing or suggesting in that regard?

Ms Luu: I understand, from my meeting with Mr Steve Shapiro and Mr Brian Sutherland in Osgoode on June 16—I met them in the afternoon, and Mr Shapiro said to me, "You know, what we are doing is that every two years we carry a compliance review at all projects, so we would do that in September." I said, "Why not do that sooner here at our project?"

Ms Cronk: All right. Stopping there for a moment, that was in June of when?

Ms Luu: June 16.

Ms Cronk: Of 1993?

Ms Luu: Yes.

Ms Cronk: All right. Now we're a month earlier than that. We're into May of 1993 in Mr Clement's letter, right?

Ms Luu: Oh, I see.

Ms Cronk: What did you understand that Mr Clement was commenting upon with respect to a compliance review?

Ms Luu: What I understand from his comments here is that the purpose of the compliance review is to ensure that the board, the corporation, complies with the ministry's guidelines and with the various procedures set out in the manuals and directives.

Ms Cronk: May I take this back? Thank you. Excuse me, Ms Luu, for a moment.

Ms Luu, the copies of exhibit 2 are just being bound, but should you wish to look at it—I'm not asking you to, but should you wish to look again at this letter or any others that I refer to, the clerk can provide it to you.

Again, just dealing, then, with the letter that was received from Mr Clement, in so far as you were concerned, did you understand that the possibility of a compliance review was being raised at that time? That's May 1993.

Ms Luu: From what he said in the letter, I understand that there would be a compliance review, but I don't know when.

Ms Cronk: All right, and had you ever heard of that before? Did you know what one was?

Ms Luu: No.

Ms Cronk: All right, and was that explained to you either by Mr Clement or subsequently by Mr Sutherland and Mr Shapiro in the discussion that you indicate you had in June?

Ms Luu: The first time I heard about that it was from Mr Clement's letter and then from Mr Steve Shapiro, who I met at the June 16 Osgoode meeting.

Ms Cronk: Who did you understand Mr Shapiro to be?

Ms Luu: I know that he's Mr Clement's boss and he's between Mr Sutherland and Mr Clement.

Ms Cronk: The middle boss?

Ms Luu: Middle boss.

Ms Cronk: Was that the first time that you dealt with Mr Shapiro?

Ms Luu: That's it.

Ms Cronk: You said that it was at a meeting at Osgoode. Was that a meeting related to the Van Lang Centre or some other kind of meeting that you attended?

Ms Luu: It was an ONPHA conference.

Ms Cronk: I'm sorry, I didn't hear the first part.

Ms Luu: Ontario Non-Profit Housing Association conference in Osgoode. It was a regional conference. Mr Sutherland and Mr Shapiro dropped in at the end of the day just to deliver a speech.

Ms Cronk: Did you meet and speak with Mr Shapiro that day?

Ms Luu: Mr Shapiro approached me, and he just came to me and he said, "Are you Trinh?" I said yes. He said: "I received your report this morning. I was reading it." Then I started to explain the problems I was having. He said: "Unfortunately, Trinh, this is internal. We can't do anything. We can't remove the superintendent unless the board requests us to do so." I insisted. I said: "But no, this is a one-man show. This is illegal. This is contrary to the Corporations Act, to the board of directors' guidelines." Then Mr Sutherland passed by and he said, "What's that, a one-man show?" Then he said we would set up a meeting with the board.

Ms Cronk: Had you ever before met Mr Sutherland?

Ms Luu: No.

Ms Cronk: Had you ever before met Mr Shapiro?

Ms Luu: No.

Ms Cronk: When you said that Mr Shapiro referred to your report, was that your letter to Mr Sutherland of June 16?

Ms Luu: Yes.

Ms Cronk: Did I understand you to say earlier that it was in that letter that you raised your concerns concerning the superintendent and Dr Can D. Le?

Ms Luu: Yes. I wrote a 23-page report on each of them.

Ms Cronk: That was around June 16, and you sent it to Mr Sutherland?

Ms Luu: I went to the ministry's office, to Mr Sutherland's office, and I submitted it to his secretary in the morning. Then, at 1 pm I went to Osgoode and I met both of them there.

Ms Cronk: So it happened that you met them by accident on the very same day.

Ms Luu: That's true.

Ms Cronk: I see. I take it that it was by accident.

Ms Luu: Yes.

Ms Cronk: Did you provide a copy of those reports dated June 16, 1993, to anyone else connected with the Ministry of Housing or the Minister of Housing at that time?

Ms Luu: Yes.

Ms Cronk: To whom?

Ms Luu: Not at that time; one day later. On June 17 I went to see Ms Sue Lott and Ms Audrey Moey at Mrs Gigantes's constituency office.

Ms Cronk: Sorry. Just so we're clear on the names, did you say Ms Audrey Moey?

Ms Luu: Yes, Audrey and Sue.

Ms Cronk: And Sue?

Ms Luu: Sue Lott.

Ms Cronk: And Sue Lott.

Ms Luu: Mm-hmm.

Ms Cronk: Had you ever met with either or both of those women before?

Ms Luu: Yes.

Ms Cronk: Was that in relation to the Van Lang Centre or other matters?

Ms Luu: Well, it was related to social events that were held in the community. I first met Sue and Evelyn at the opening ceremony in November 1992. Oh, I first met Sue when I first applied for a job at Evelyn's constituency office.

Ms Cronk: All right, you've told me quite a bit there. Can I just take it slowly to make sure I understand?

Ms Luu: Okay, yes.

Ms Cronk: I take it, by June of 1993, you had personally met the Minister of Housing, Evelyn Gigantes.

Ms Luu: June 1993? No, I personally met with Evelyn in November 1992.

Ms Cronk: On what occasion was that?

Ms Luu: It was at the opening ceremonies of both projects.

Ms Cronk: By "both projects," are you referring to the Van Lang Centre?

Ms Luu: And the Scotthill Centre, the City Living building across.

Ms Cronk: Was that an official opening ceremony for both?

Ms Luu: Yes, it was.

Ms Cronk: At that point in time, November 1992, did you know Audrey Moey or Sue Lott? Had you met either of them before that?

Ms Luu: I saw Sue, and I saw Sue coming with Evelyn. I knew Sue when I first applied for a job as a case worker, I believe back in 1991. I was interviewed by Sue, by Paul Dewar and by Beverley Bell.

1110

Ms Cronk: Do I take from what you're saying, Ms Luu, that you applied for a job with Ms Gigantes's offices?

Ms Luu: Mm-hmm.

Ms Cronk: When was that?

Ms Luu: It was a long time ago. I think that it was before I went to my undergrad studies, or it was during my undergrad studies, so it should be some time in 1991.

Ms Cronk: Was that a job position in respect of her offices in Ottawa, that is, her constituency offices, or her offices in Toronto?

Ms Luu: I had no idea. I heard from Ngoc Tran, the former board president, that there was an opening at Ms Gigantes's office for a case worker, so I just applied.

Ms Cronk: Did you obtain the job?

Ms Luu: No.

Ms Cronk: I take it you didn't go to work for Ms Gigantes then?

Ms Luu: No.

Ms Cronk: Then or later?

Ms Luu: Later, yes. Later I was offered a job. I went to interview and I got the job.

Ms Cronk: When was that?

Ms Luu: It was in December. It was right after I met Sue at the opening ceremony, and Sue said: "Oh, Trinh, we were looking for you. Where are you? Oh, your contract will end at the end of December. We have another job offer more interesting than that. Are you interested?" At the time I was, so an interview was set up and I went to interview at 10 Rideau Centre, where Sharron went to the meeting later on. It was in December.

Ms Cronk: Of 1992?

Ms Luu: Right.

Ms Cronk: Did you accept that offer?

Ms Luu: Yes, I did.

Ms Cronk: I'm sorry; did you accept the job?

Ms Luu: Yes.

Ms Cronk: Did you go to work for Ms Gigantes?

Ms Luu: I accepted the offer and then I declined. I thought it over and I learned that the job would be in Toronto and at the time I didn't want to move to Toronto. I had a brother who would be coming in February from a refugee camp, so due to a change in my personal plans, with regret, I had to decline the job. I wrote a letter of refusal and I sent it to Ms Eileen Quinn.

Ms Cronk: I take it then that during the course of both the opening ceremony with respect to the Van Lang Centre and additionally, because of your prior application for a job with the minister's office in 1991 and the offer of a job opportunity in December 1992, you'd had some dealings with members of her constituency offices prior to June 1993?

Ms Luu: That's right.

Ms Cronk: In those connections had you met Sue Lott?

Ms Luu: Yes. Sue and I and Audrey went out for lunch very often.

Ms Cronk: When you say Audrey, to whom are you referring?

Ms Luu: Audrey Moey.

Ms Cronk: When you say that you went out to lunch very often, did that include in the fall of 1992?

Ms Luu: Yes.

Ms Cronk: And as well in the spring of 1993?

Ms Luu: Yes.

Ms Cronk: When you say "very often," what do you mean by that, Ms Luu?

Ms Luu: Sometimes they called and said, "Trinh, how about going for lunch?" I said, "Okay, yes." It would be—like, we were on a very close basis, we were very close, and if they wanted to inquire about the community's activities or wanted to learn about any event or, you know, who is who, I would readily chat with them.

Ms Cronk: During the six months beginning January 1993 through to the middle of June 1993, approximately—and I'm just asking you for an approximation—how many times would you have had lunch with Ms Lott or Ms Moey or both in that regard?

Ms Luu: It would be more than two or three times; let's say three times at least.

Ms Cronk: All right. You indicated to the committee that on June 17 you went to Ms Gigantes's constituency office?

Ms Luu: Mm-hmm.

Ms Cronk: In Ottawa?

Ms Luu: Mm-hmm.

Ms Cronk: For what reason?

Ms Luu: To tell Sue and Audrey my problems.

Ms Cronk: And when you say your "problems," do you mean problems related to the Van Lang Centre?

Ms Luu: Yes.

Ms Cronk: Did you meet on that day with either Ms Lott or Ms Moey?

Ms Luu: Yes, I met with both of them. I called Audrey. I said, "Audrey, I want to see you, I want to see

you and Sue." She said, "Okay, you can come any time." I said, "I have problems over here." She said, "Okay, just come in." Then I just came at 4, I think, 3 or 4, at the end of the day.

Ms Cronk: Is the Van Lang Centre, as you understand it, in Ms Gigantes's riding in Ottawa?

Ms Luu: No, I didn't know whether it's in her riding or in somebody else's riding and I'm not interested; I wasn't interested in finding out at that time.

Ms Cronk: Why did you go then to see Sue Lott and Audrey Moey?

Ms Luu: Because they were my friends, because they came to the centre and they had lunch with me, because I know that Evelyn is the Minister of Housing, and because I had declined a job offer with Evelyn and I felt guilty about that. I felt so bad about that, you know. You accept it and then you decline and you cause inconvenience to the minister.

So I said: "I can do a better job here. If I don't go to Toronto, I can contribute a lot more at the centre." They all said: "Okay, fine, Trinh. We don't blame you." So we are in a very good relationship and I don't see why I shouldn't tell them of my problems.

Ms Cronk: Did you then personally live in Ms Gigantes's riding?

Ms Luu: Live? Yes, I suppose so. I'm living in a downtown area. Yes, I should be in her riding because I receive her newsletter very regularly.

Ms Cronk: Did you go to see Ms Moey and Ms Lott in June 1993 because you lived in Ms Gigantes's riding or because you knew them and had this relationship with them, about the Van Lang Centre and other matters?

Ms Luu: At the time, just because Evelyn is the Minister of Housing.

Ms Cronk: And these were people you knew and had dealt with before?

Ms Luu: Mm-hmm.

Ms Cronk: At your meeting with them on June 17, did you outline your concerns regarding the superintendent and Dr Can D. Le?

Ms Luu: I brought the whole file that I submitted with Mr Sutherland. I brought it. I made a copy and I brought it with me and I left it with Sue and Audrey. We talked for one hour and a half and Sue and Audrey thanked me for the information and they said they would take a look into that; they would do the follow-up.

Ms Cronk: Had you at that time, Ms Luu, on any occasion had any discussions with the Minister of Housing concerning the Van Lang Centre, apart from its opening?

Ms Luu: No, not at all.

Ms Cronk: And did you, at the meeting on June 17 with Ms Lott and Ms Moey, request them to do anything?

Ms Luu: No. I just explained, "Here are my problems and this is a situation that should be rectified, so I'll just let you know and see what you can do with it." They took the initiative to tell me that they would do the follow-up.

Ms Cronk: What did you understand them to mean by that? What did you think was going to happen?

Ms Luu: Afterwards, Sue told me that she has let Evelyn's people in Toronto know about the problem and I heard she mentioned Marc. I didn't know his last name, and later on I assumed that it should be Marc Collins.

Ms Cronk: And that was some time after your meeting on the 17th?

Ms Luu: Mm-hmm.

Ms Cronk: All right. Could I ask you to look at paragraphs 13 and 14, if you would, please, of the statement of background facts. In paragraph 13, it confirms, Ms Luu, that you wrote a letter to Mr Sutherland on June 16, 1993—and you've told the committee that you did that—and it indicates that you submitted a document with that letter which you described as a report concerning certain activities at the centre. Is that correct?

Ms Luu: Yes.

Ms Cronk: And the balance of the paragraph indicates that among the concerns expressed by you in your letter were issues relating first to the superintendent, secondly to alleged improper behaviour by members of the board and thirdly to alleged conflicts which had emerged among various members of the board, the corporation and the superintendent. Did you raise those concerns in that letter and report to Mr Sutherland?

Ms Luu: Yes, I did, and those concerns were raised in light of the information I got from the ONPHA training sessions I attended on May 29 and June 16.

Ms Cronk: Was it those documents, that is, your letter of June 16 and the accompanying report, that you left with Ms Lott and Ms Moey on June 17? Are those the documents you left?

Ms Luu: Yes.

Ms Cronk: Then in paragraph 14, it indicates that in your letter to Mr Sutherland you requested that his offices carry out an investigation of what you termed in your letter, what you described as the carriage of office of the board of directors, and you requested that his offices make appropriate recommendations in terms of guidance and orientation to directors. Is that statement accurate?

Ms Luu: Yes.

1120

Ms Cronk: And did Mr Sutherland in due course acknowledge your letter?

Ms Luu: Yes, he did.

Ms Cronk: And when was that?

Ms Luu: The letter was dated July 2 and I got it on July 7.

Ms Cronk: Paragraph 15 of the statement of facts, Ms Luu, concerns Mr Sutherland's response, and it indicates that he did so, as you've just suggested, by letter of July 2, and that he pointed out in that letter that the allegations which you had made were serious in nature. Did he say that?

Ms Luu: Yes, he did.

Ms Cronk: And did he request you, as suggested by

paragraph 15, to keep Mr Clement of his offices informed?

Ms Luu: Yes, he did.

Ms Cronk: And in the months following July 2 did you in fact do that; that is, did you keep Mr Clement informed of matters that were of concern to you relating to the Van Lang Centre?

Ms Luu: Yes, I did, but at every attempt of mine to inform him he kept saying, "Oh, Trinh, I can't do anything; it's internal," and I was really frustrated at that response.

Ms Cronk: I'm sorry? You were frustrated at that response?

Ms Luu: Yes.

Ms Cronk: We'll come to that. I gather then that you did deal with Mr Clement over the following course of time?

Ms Luu: Yes, following the spirit of the letter by Mr Sutherland, but Mr Bill Clement declined to listen to me or to receive more information on new incidents that occurred afterwards.

Ms Cronk: You've told the committee—just to make sure that I understand the sequence of events, Ms Luu—that you at a meeting towards the end of January had gone to the board of directors of the Van Lang Centre for direction with respect to the superintendent. Is that correct?

Ms Luu: Mm-hmm.

Ms Cronk: And that you in June had written to Mr Sutherland expressing your concerns, that you'd earlier communicated with Mr Clement about them in May. Have I got the sequence right?

Ms Luu: Yes.

Ms Cronk: Did you at any point before writing to Mr Sutherland or going to the constituency office of Ms Gigantes in June bring your concerns again to the attention of the board of directors of the Van Lang Centre?

Ms Luu: Yes, I did.

Ms Cronk: When did you do that?

Ms Luu: It was in my report number 1. There was a series of communication of letters I wrote to the board and I didn't get any answer. I first submitted my official written report to the ministry on May 31, and I addressed it to Mr Bill Clement, Mr John Séguin and Mr Mike Komendat because I deemed that those are maintenance concerns that they should be informed of.

Ms Cronk: And during the month of June 1993, did you bring your concerns to the attention of the board of directors of the Van Lang Centre?

Ms Luu: Yes, I did.

Ms Cronk: Could I ask you to look, please, at paragraph 16 of the statement of background facts. It indicates that in a letter dated June 21 from you to the then president of the centre, a Mr Ngoc Tran, you expressed certain concerns regarding the operation of the centre.

Ms Luu: Yes.

Ms Cronk: Is that an accurate statement?

Ms Luu: Yes.

Ms Cronk: And did those concerns relate to the performance of the superintendent of the centre, his qualifications for his position and, as well, relate to certain activities which you alleged the secretary of the corporation had entered into?

Ms Luu: Yes, and the activities of the board as well, because at that time I learned that I have to look into the bylaws, the incorporating bylaws of the centre. I found out that: "Oh, here is your role, Mr President. You have to call the meetings; you have to chair the meetings; you have to set up the agenda, and in case of a balance of votes you are entitled to a second vote." He didn't know about that. When I called him I asked him whether he has a copy of the incorporating bylaws and he said, "No, it was only Dr Can Le who did that."

I pointed out to them that this is serious, you know, our board is not operating legally and properly, and I insisted on a board meeting because since March 1993 they excluded me from any board meetings so that I couldn't voice my concerns any more and I insisted on an internal solution.

In my letter to Mr Ngoc Tran I said: "Everybody else has listened to me. Mr Bill Clement has spent two hours with me; Mr Brian Sutherland has written to me, why not my full-time employer, the board of the Van Lang Centre?"

Ms Cronk: When you say that you expressed the view at that time to Mr Ngoc Tran that the board was operating illegally, should I take from what you're saying that you thought it was operating not in accordance with proper procedures?

Ms Luu: That's true.

Ms Cronk: That's what you mean in that context when you use the word "illegally."

Ms Luu: Mm-hmm.

Ms Cronk: And you brought those concerns to his attention at the end of June 1993?

Ms Luu: Yes.

Ms Cronk: So at that point in time you had both written to Mr Brian Sutherland and provided a copy of your report and letter to him as well [as] to the constituency offices of Ms Gigantes?

Ms Luu: Mm-hmm.

Ms Cronk: You're now writing to the board of directors and expressing your concerns. Did you provide a copy of that letter to Ministry of Housing officials?

Ms Luu: Yes, I did.

Ms Cronk: And when was that?

Ms Luu: I cc it at the same time when I send it to the board. Every piece of correspondence I sent to the board, I cc it to Mr Sutherland, Mr Bill Clement, you know; I went down the list. So all the—Mr Lance Clark, the development consultant. I cc it to every level of authority I come to know of.

Ms Cronk: You said a few moments ago, Ms Luu, that you had suggested that the matter be dealt with internally. Did I hear that correctly?

Ms Luu: Yes, because I thought, "Oh, I haven't addressed the president." I wrote to Dr Can Le because I thought that he was the dominant figure in the centre and he was taking care of everything. So I wrote to him and then I realized: "Oh, here is the president. He has the final authority, so I should address him as well. I should pin him down to his own responsibility."

Ms Cronk: If it was your hope at that time, Ms Luu, that the matter would be dealt with internally, why at that point were you both writing to and providing copies of documents to Mr Sutherland and to the constituency offices of the minister?

Ms Luu: Because when it came to Bill Clement, according to the spirit, according to the letter by Mr Sutherland—I have to go back earlier than that. When I wrote to Dr Can Le and to the board and nobody answered, nobody reacted whatever to my reports, the board members were frustrated, and I understood at that time that there was a friction between board members and they were frustrated because they said they came to board meetings, they voiced their concerns, but none of their comments, none of their concerns, were recorded by the secretary. He was recording on board minutes and they said: "Trinh, you are fighting against him. We are fed up. We just sit here and we wait until we can resign." I said: "Okay. If you don't do anything, I would go to the Ministry of Housing," and Diep Trinh said: "Yes, go and seek Bill Clement's advice. Maybe he can offer you some advice. Tell him that here we have a problem because of the superintendent's incompetence and because we get stuck in a lawsuit by the former property manager who happened to sue on the same grounds. Go and see him and see what he says."

So when I went to see him, he did not resolve the problems, and when Mr Sutherland replied in his letter dated July 2, he asked me to keep Bill Clement informed. I went to see him and he said, "It's internal, Trinh." I couldn't do anything.

Ms Cronk: All right.

Ms Luu: So I have to think of what other internal solutions I have. "Talk to the board president." That why I did.

Ms Cronk: Could I ask you to look at exhibit 2, at tab 5. I think you now have a copy of that.

Ms Luu: Tab 5?

Ms Cronk: You have a copy, but I apologize to the committee. The copying was a little delayed. You should have a copy of it there, tab 5. For the benefit of you, Ms Luu, and the committee members, this document is a letter dated June 21, 1993, expressed to be from you to Mr Tran, president of the board of directors. That's at tab 5 of exhibit 2. Is that the letter that you sent to the board president with respect to your concerns?

Ms Luu: Yes, it is.

Ms Cronk: And does it indicate that a copy was provided to representatives of the Minister of Housing, as you suggested a few moments ago?

Ms Luu: Yes, cc board members: Brian, Bill, John, Mike.

Ms Cronk: When you say "Brian," Brian Sutherland?

Ms Luu: Brian Sutherland, Bill Clement, John Séguin, Mike Komendat.

Ms Cronk: And in the second paragraph of that letter, Ms Luu, did you raise with Mr Tran, the president of the board of directors, the possibility of turning your concerns into a matter of public concern?

Ms Luu: That's true. That was the first time I threatened to go to the media.

Ms Cronk: And did you provide a copy of that letter or communicate its contents or any part of its contents to the constituency offices of Ms Gigantes?

Ms Luu: I can't remember.

Ms Cronk: Could I ask you to look at tab number 6 of the same volume of documents?

Ms Luu: Oh yes, I did, because this was included in my report number 2, and I filed my report number 2 with you and Audrey as well.

Ms Cronk: When you say report number 2—

Ms Luu: Yes, this is an appendix in my report number 2, this letter of June 21, so I submitted it to the constituency office as well.

Ms Cronk: When did you prepare a second report?

Ms Luu: I started to write on August 23 and I submitted it in early September or late August.

Ms Cronk: Could I ask you to look at tab number 6 of exhibit 2?

Interjection.

The Chair: We're going to recess for 10 minutes until the exhibits are distributed to all the members here.

Mr Callahan: I was going to suggest that.

The Chair: Fine, we'll recess for 10 minutes.

The committee recessed from 1132 to 1149.

The Chair: If I can have your attention, legal counsel would like to take a break right now for the one hour for lunch. We'll come back at a quarter to 1. At 25 to 1, in room 110, the subcommittee will meet. Okay? We'll recess until a quarter to 1.

The committee recessed from 1150 to 1301.

The Chair: We'll resume the standing committee on the Legislative Assembly. We have Ms Trinh Luu, who is our first witness.

Our legal counsel, Ms Cronk, would like to advise the committee on some procedures that we should be aware of, if you wouldn't mind, from our subcommittee meeting.

Ms Cronk: Thank you. Mr Chair, members of the committee, my advice has been sought on a matter of procedure relating to the hearing and I wish to put the nature of my advice on the record so that all committee members and other interested members of the public are aware of it.

The issue concerns the departure from time to time, for reasons, of members of the committee from the hearing room during the course of evidence. Because this is a hearing where, as I indicated in my opening remarks to the committee, I anticipate, although of course I am not giving evidence in that regard, that you the committee

members will hear conflicting or potentially conflicting evidence with respect to the June 17 meeting, thereby giving rise to credibility issues, requiring the committee ultimately to make a determination as between versions of events, in a hearing of that kind, it is particularly important that all persons who participate in the decision of the committee have heard all of the evidence. For that reason, I have advised the committee and offered as my advice that members of the committee should be present throughout the entirety of the evidence of the witnesses if they intend to participate in the decision of the committee and its deliberations. I wanted to put on the record the nature of my advice to you, sir, and to the subcommittee in that regard. May I now continue with the witness?

The Chair: Yes, you may continue.

Ms Cronk: Thank you. Ms Luu, we were speaking before the luncheon break of events towards the end of June 1993. In particular, just to refresh your memory of where I believe we were in the course of our discussion, you had indicated to the committee that you had by letter of June 21, 1993, communicated to the board of directors of the Van Lang Centre certain of your concerns relating to the centre, and you had also outlined for the committee the contact you had had earlier that month both with Brian Sutherland of the Ministry of Housing offices in Ottawa and with Ms Sue Lott and Ms Audrey Moey of the constituency offices of the Minister of Housing in Ottawa. Do you recall the context of our discussion that we were having before lunch?

Ms Luu: Yes.

Ms Cronk: All right. I had asked you, when we were without the relevant paper, and we now have it here, whether you had communicated or spoken with members of the minister's constituency office about your letter to the board of directors of June 21, 1993, outlining your concerns. Could I ask you in that regard to go to exhibit 2. You should now have a copy of exhibit 2. It's a separate volume of documents.

Ms Luu: Yes, volume—?

Ms Cronk: There's only one volume. It's exhibit 2, tab 6. At that tab, Ms Luu, appears a fax cover sheet which appears to be from you to Sue and Audrey. First, I take it it is from you?

Ms Luu: Yes, it's from me.

Ms Cronk: And is it to Sue Lott and Audrey Moey of the minister's constituency offices in Ottawa?

Ms Luu: Yes.

Ms Cronk: It's dated June 29, 1993, and has attached to it a letter addressed to "Dear Sue and Audrey," dated on the same date, June 29. It appears to be from you. Can you confirm that it is?

Ms Luu: Yes, it's from me.

Ms Cronk: And is this—I'm sorry, I didn't mean to cut you off. It is?

Ms Luu: Yes, it is.

Ms Cronk: And is this a letter that you sent to them informing them of your letter to Mr Ngoc Tran, president of the Van Lang Centre, of June 21, 1993?

Ms Luu: Yes.

Ms Cronk: And did you identify in this letter the outstanding issues, from your perspective, relating to the Van Lang Centre?

Ms Luu: Yes, I did.

Ms Cronk: You made in this letter, as I read it, and I ask you to confirm whether this is the case, rather serious allegations about the conduct, as you perceived it, of Dr Can Le.

Ms Luu: Yes, because this is the first time I mentioned the omission in the board minutes. At the time I used the word "falsification," which is rather heavy, because I didn't have any legal knowledge at the time, and in my perception, when you omit to record something you have the intention to falsify a certain document, so I used the word "falsification."

Ms Cronk: You also referred, I suggest, to, among other issues identified, incompetency of certain staff at the centre. You also alleged what you called "illegalness" and invalidity of certain actions taken by the secretary of the corporation. Am I right?

Ms Luu: Yes, because I learned from my ONPHA training sessions that directors have no individual authority. Everything should be decided at the board meeting, which is legally constituted, and should be recorded in board minutes. All these decisions on the superintendent's performance were not recorded at that time.

Ms Cronk: Would you agree with me, Ms Luu, that the issues that you were raising and the allegations that you were making were quite serious?

Ms Luu: Yes, they were.

Ms Cronk: In the letter, as I understand it, looking at page 2 and your concluding paragraph, you sought the advice or the opinion of Sue and Audrey, that is, Sue Lott and Audrey Moey, as to whether you should formally write to "Evelyn." Is that correct?

Ms Luu: That's true.

Ms Cronk: Did you mean by that Evelyn Gigantes?

Ms Luu: That's true.

Ms Cronk: And did you receive any response from the minister's constituency office regarding that aspect of your letter, that is, the suggestion or the inquiry as to whether you should write to the minister?

Ms Luu: Not in writing, but they kept phoning me and they said they were doing the follow-up. Marc Collins presumably is following all this stuff.

Ms Cronk: You were told that?

Ms Luu: Yes, from Sue.

Ms Cronk: Sue Lott?

Ms Luu: Mm-hmm.

Ms Cronk: Did you follow up yourself with Ms Lott?

Ms Luu: This was in June, right? Yes, we talked on the phone and I kept her updated with whatever happened after that.

Ms Cronk: If I could ask you to go next to tab 7 of exhibit 2, this appears to be a follow-up, handwritten note. Is it from you to Ms Sue Lott?

Ms Luu: Yes.

Ms Cronk: It is also dated June 29, 1993, and you explain in it, as I read it, what you meant by the allegation you had previously made of "mismanagement of public funds." Is that correct?

Ms Luu: Yes. The reason I faxed the letter and all this to Sue and Audrey was because they requested me to fax a copy of the bill of the legal fees incurred by Trinh Tran's lawsuit that Can Le charged back into the operating funds, because I was the only one who found out that this board had no directors' liability and all the legal fees were charged back into the operating budget. Bill Clement, when I first informed him of that, was genuinely alarmed and said: "No, you can't do that. You have to get directors' coverage."

Ms Cronk: All right, if I could stop you there just for a moment—

Ms Luu: Yes, sure.

Ms Cronk: I don't wish to interrupt you, but just so that you understand, it's important for the committee to have a general understanding of what occurred over this particular period of time, but unless there's some particular matter that you wish to bring to their attention, I'm not sure that they need to know all of the details.

Ms Luu: Okay.

Ms Cronk: Would it be fair to say, based on what you've just told the committee, that you sent to Ms Lott and to Ms Moey a number of documents that you wished them to review and be aware of?

Ms Luu: At their request. They called me and they said, "Trinh, send us a copy of that legal bill."

Ms Cronk: And you sent it to them?

Ms Luu: Yes, and then I included that letter.

Ms Cronk: You also refer in this handwritten note of June 29 to having asked Mr Clement for a copy of the compliance review. Do you see that in the last paragraph?

Ms Luu: Yes.

Ms Cronk: Had you at that point asked him for a copy of it?

Ms Luu: Yes, I did.

1310

Ms Cronk: Did you understand at that point that a review was going to be undertaken by the ministry?

Ms Luu: Yes, because in his May 21 letter to the board president he mentioned that we can carry out a compliance review, and I got the whole package. There was one copy for me, there was one copy for Ngoc Tran, one copy for Dr Le, and I saw that he enclosed the compliance review. He put a small note on the envelope addressed to Dr Le and he said, "Here is the compliance review." So I thought I could ask him for a copy to see what that is.

Ms Cronk: All right. If I could ask you to look at paragraph 18 of the statement of facts, maybe you could just put that in front of you beside the exhibit book. Do you have that, Ms Luu?

Ms Luu: Yes.

Ms Cronk: In paragraph 18 of the statement of background facts it's suggested that, as you've already

indicated, "In May of 1993 representatives of the Ministry of Housing...suggested that a compliance review regarding the management and operations of the Van Lang Centre...might be conducted," and you've indicated to the committee that that was the case. Am I right so far?

Ms Luu: Yes.

Ms Cronk: It goes on to suggest that that review was in fact initiated in August 1993 and the final results of it were presented to a meeting of the board of directors of the Van Lang Centre at a meeting of the board held on February 8, 1994. To the best of your knowledge, are those facts correct?

Ms Luu: Yes, they are.

Ms Cronk: Now, I recognize, Ms Luu, that by February 1994, when the compliance review was presented to the board of directors or discussed with the board, you by that time had left the employ of the Van Lang Centre?

Ms Luu: Yes.

Ms Cronk: You were not therefore participating, directly or indirectly, in meetings of its board.

Ms Luu: No.

Ms Cronk: Did you, however, personally become aware of the contents of the compliance review?

Ms Luu: Yes, I was.

Ms Cronk: Did you review a copy of it?

Ms Luu: Yes.

Ms Cronk: If I could ask you, if you would, please, to look at—I'm trying to find the paragraph I want to ask you to look at. It's paragraph 19. Is it fair to suggest that you had certain concerns regarding the findings in the compliance review?

Ms Luu: Yes, I had.

Ms Cronk: Did you agree with all of the findings in it?

Ms Luu: Not quite so. There are contradictions in the findings. There are statements that conflict themselves, and there was the whole portion on maintenance, with questions left unanswered.

Ms Cronk: So you were not entirely content yourself with the findings in it?

Ms Luu: No.

Ms Cronk: And did you express concerns about it later in 1994?

Ms Luu: Yes, in the letter dated March 4 I co-signed with Sharron I wrote to Mrs Gigantes, and we both emphasized the need of a special and urgent meeting because we came to the realization that the compliance review is questionable and we believed that the ministry's staff have turned a blind eye to the problems at the centre.

Ms Cronk: That was later; that was in your letter of March 4, 1994.

Ms Luu: Yes.

Ms Cronk: All right, perhaps we could come to that in a moment then. If I could ask you again just to turn

your mind back to the summer of 1993 and all of this correspondence you'd entered into with first Mr Sutherland and the constituency offices of the minister and as well with the board of directors of the Van Lang Centre, did you, in the month of August or in the early part of the fall, receive any reply either from the Ministry of Housing or from the constituency office of the minister regarding the concerns that you'd raised?

Ms Luu: I believe that following Mr Sutherland's letter dated July 2, Mr Steve Shapiro and Mr Bill Clement came down, visited the centre and attended a board meeting with the board, but that meeting was not recorded. There were no minutes and I was not informed of the contents nor the results of the meeting.

Ms Cronk: Could I ask you to turn to tab 9 of exhibit 2, the next tab in the book of documents that you have. This is a letter that appears to be from Steve Shapiro to Mr Ngoc Tran, president of the Van Lang Centre, dated July 9, 1993, and it refers to a meeting that he, that is Steve Shapiro, and Bill Clement had with Dr Can Le and Mr Trinh. Do you see that?

Ms Luu: Yes. This is the first time I've seen this letter.

Ms Cronk: Right now?

Ms Luu: Mm-hmm.

Ms Cronk: I see. To the best of your understanding, was the meeting that you referred to a moment ago, among Mr Shapiro, Mr Clement and the board, held in July?

Ms Luu: Yes, it was on July 7.

Ms Cronk: Did you speak with them at any point yourself when they were at the Van Lang Centre in that regard, either Mr Shapiro or Mr Clement?

Ms Luu: Just casual talk, where we just greeted each other, and then they went to have a meeting, and I knew that I had to leave, so I just gathered my stuff and I left.

Ms Cronk: In your various letters that you wrote in June 1993 to the parties we've identified, Ms Luu, you've indicated that you agreed with my suggestion that a number of the concerns you were raising were quite serious in nature.

Ms Luu: Yes.

Ms Cronk: A number of them concerned specifically allegations that you were making about Dr Can D. Le.

Ms Luu: Yes.

Ms Cronk: Did Dr Can D. Le respond to those allegations?

Ms Luu: He did not respond to my series of letters questioning this and that. He finally submitted to me I think on July 9, because on July 10 the board finally met with me, and again that board meeting was not recorded, no minutes produced. So on the eve of that meeting Dr Le met with me just to probe me, to see how I felt and in what mood I would come to the meeting. He gave me a letter I think in which he denied every allegation I made.

Ms Cronk: In fairness to Dr Can D. Le, would you look at the next tab, please, in exhibit 2, tab 10.

Ms Luu: Yes, that was it.

Ms Cronk: This is the letter you were referring to?

Ms Luu: Mm-hmm.

Ms Cronk: It's a letter dated July 9, 1993, addressed to you from Dr Can D. Le?

Ms Luu: Mm-hmm.

Ms Cronk: In it he indicates that he "categorically deny each and every one of the allegations which you have made against me"?

Ms Luu: Yes.

Ms Cronk: Did you speak further with the minister's constituency offices over the summer of 1993 regarding your concerns before you left the employ of the Van Lang Centre?

Ms Luu: Yes, I did. I was at the baby shower party, Audrey's baby.

Ms Cronk: I'm sorry, you were where?

Ms Luu: Is that a baby shower?

Ms Cronk: It could have been. Did somebody have a baby?

Ms Luu: Yes. Audrey was pregnant.

Ms Cronk: I'll bet she had one, then.

Ms Luu: Yes. So we were at her—is that a baby shower?

Ms Cronk: Yes, that's correct.

Ms Luu: Yes, the word slipped my mind; I didn't know whether that was correct. So we were at that baby shower party. I met Evelyn, I met Sue, I met Beverley, I met the people that used to meet. I did not say anything to Evelyn yet, but I talked at length with Sue, and I said: "Oh, you know we have Sharron Pretty now, and she is the tenant-director. She is fighting hard, and she is doing her job very well." That was in August, before I left for school. So whenever we met we always referred to the troubles at Van Lang.

Mr Tim Murphy (St George-St David): Excuse me, Mr Chair, can you just clarify who Hugh is for me?

Ms Cronk: Yes. Did you refer just a moment ago to Hugh?

Ms Luu: Sue.

Ms Cronk: Sue Lott?

Ms Luu: Yes.

Mr Murphy: Okay, sorry.

Ms Cronk: Just so that we're clear, it's difficult to hear in parts of this room, Ms Luu. When you attended this baby shower in the month of August 1993, I take it from what you've said that the minister, Evelyn Gigantes, was present?

Ms Luu: Yes.

Ms Cronk: Ms Sue Lott was present?

Ms Luu: Mm-hmm.

Ms Cronk: It was for Audrey Moey?

Ms Luu: Yes, it was a surprise party for her.

Ms Cronk: Yes, and you mentioned as well that someone by the name of Beverley was there?

Ms Luu: It was at Beverley's place.

Ms Cronk: Beverley who?

Ms Luu: Beverley Bell's place, her house.

Ms Cronk: All right. Who did you understand Beverley Bell to be?

Ms Luu: I met her when she first interviewed me for the first job I applied for with Evelyn. Remember? So I knew that she was working with Evelyn, but I didn't know what her position was. At that time, she seemed to be one of the constituency staff. But I understand that she has moved to work at the 10 Rideau Centre office.

1320

Ms Cronk: In fact I understand, Ms Luu, that Beverley Bell, as you indicate, is connected with the Management Board of Cabinet and works in coordinating functions at 10 Rideau Street, the Rideau Centre in Ottawa. Can you confirm that or do you know?

Ms Luu: I don't know.

Ms Cronk: Okay. Thank you. So in the month of August 1993, you attended this social function and saw these individuals and, I take it, had some social discussions but nothing in any depth about what was occurring with respect to the Van Lang Centre?

Ms Luu: No, because it was the beginning of Sharron's term and what I found is that Sharron was doing her job and she was speaking out against whatever she found irregular at that time, and I was leaving for school. I think that was when I had already left. My last physical day at work was August 21, so it must be late August.

Ms Cronk: When did Ms Pretty become involved, to the best of your knowledge, with the board at Van Lang?

Ms Luu: Her first board meeting was on August 5, 1993.

Ms Cronk: And did certain other individuals come on to the board for the first time?

Ms Luu: Yes.

Ms Cronk: Did that include a Dr Hieu Truong?

Ms Luu: Dr Hieu Trong; Dr Vinh Tang; Mr Bao Tran, the director who resigned five days afterwards; Mrs Ngoc-Lan Tran—

Ms Cronk: And Ms Pretty?

Ms Luu: —and Ms Pretty.

Ms Cronk: Had Ms Pretty served on the board of directors of the Van Lang Centre prior to that at any point?

Ms Luu: No.

Ms Cronk: Had Dr Truong served on the board of directors at any point prior to that?

Ms Luu: No.

Ms Cronk: Could I ask you to look at paragraph 9 of the statement of background facts? It's at page 3, paragraph 9.

Ms Luu: Okay. I have it.

Ms Cronk: This paragraph lists a number of individuals whom it is suggested became or served as directors of the Van Lang Centre from and after August 5, 1993. Can you indicate to the committee, based on your own knowledge, whether the contents of that paragraph are accurate?

Ms Luu: Yes, they are.

Ms Cronk: It suggests that Ms Pretty and Mrs Ngoc-Lan Tran were nominated at that time, that is, on August 5, 1993, to the board of directors of the corporation as representatives of the Van Lang Centre Tenants Association. Can you confirm from your own knowledge whether that was the case?

Ms Luu: Well, it was always told so by Dr Can Le, but I did not know whether those were the proper procedures to be followed. I don't know.

Ms Cronk: Was Ms Pretty, however, a tenant-nominated representative to the board?

Ms Luu: I don't know.

Ms Cronk: Okay. She was a tenant at the time?

Ms Luu: She was a tenant-director and she was elected to an interim committee at the first tenant association meeting to be part of a committee in charge of drafting the bylaws and the constitution of the tenants association. But to my knowledge, I did not see any document that says that Ms Pretty was nominated by the tenants association to the board.

Ms Cronk: I see. So you're confirming that she came on the board on August 5 and that she was in fact a tenant at the centre, but you are unable to confirm a nomination by the association. Is that correct?

Ms Luu: That's true.

Ms Cronk: Did she at that time, that is, on or about August 5, to the best of your knowledge, also become vice-president of the Van Lang board?

Ms Luu: Yes.

Ms Cronk: And Dr Truong, did he become president at that time?

Ms Luu: Yes, he did.

Ms Cronk: Now, neither Dr Truong nor Ms Pretty had ever served on this board before, but I take it both assumed the positions of president and vice-president notwithstanding that they were newly appointed board members. Is that correct?

Ms Luu: Yes.

Ms Cronk: Did Can D. Le remain on the board?

Ms Luu: Yes, he did.

Ms Cronk: You, I take it, were virtually completing your work with the centre, because you've indicated your last day on the jobs was August 25 and I take it thereafter you went off to law school.

Ms Luu: But at the first meeting, on August 5, I was there.

Ms Cronk: All right. And towards the end of that month you completed your last day at the Van Lang Centre and then began your studies at law school in the latter part of August, the beginning of September?

Ms Luu: Yes.

Ms Cronk: At the time that you left the centre, did you submit a formal letter of resignation to the board?

Ms Luu: Yes, on September 3.

Ms Cronk: Could I ask you to look at tab 13 of exhibit 2. Can you tell the committee whether this letter,

dated September 3, is your letter of resignation to the board?

Ms Luu: Yes, it was.

Ms Cronk: Do you, in that letter, again outline certain concerns that you had regarding the Van Lang Centre?

Ms Luu: Yes, I did. This time I added a very important concern, and that was when I found out about the vision Dr Can Le held about the development of the project. That's why I mentioned the erroneous vision, and that this erroneous vision results in misdirections in every area of management. Everything was done to accommodate that vision and the superintendent's incompetence, so I thought that was a very important warning on my part to the board.

Ms Cronk: And you outlined your concerns in that regard in this letter?

Ms Luu: Yes.

Ms Cronk: If I could ask you to look at page 5, paragraph 19, of the statement of background facts, Ms Luu.

Ms Luu: Yes.

Ms Cronk: It's referring to your resignation letter of September 3, the document that we've just looked at, and it suggests that you expressed a number of concerns as outlined in paragraph 19 in your letter of resignation. Can you confirm that the facts in that paragraph are substantially accurate?

Ms Luu: Yes, and I would like to emphasize the erroneous vision I found out about the development of the project, because that was important.

Ms Cronk: And you added that, as you indicated, in your resignation letter. You raised that for the first time.

Ms Luu: Yes.

Ms Cronk: So that I'm clear as to what you mean by that, I take it from what you've said that you had formed the view, by the time that you wrote your resignation letter, that Dr Can D. Le's vision of what the centre was all about was not as you thought it should be.

Ms Luu: Yes, and that was the second time. The first time I raised concerns over that vision was in my report number 2 dated August 23, and that letter was addressed to Brian Sutherland. I did not have time to polish my letter, and I remember very clearly that I put in my concluding paragraph that more evidence would be produced on this erroneous—I termed it "scary"—I said on the scary vision held by Dr Can Le over the development of the project. So this was the second time I mentioned that vision.

Ms Cronk: In your letter of September 3 was the second time.

Ms Luu: Yes.

Ms Cronk: Did you in fact deliver another report to Mr Brian Sutherland on or about August 23?

Ms Luu: I started to write on September 14, but I was busy with school work and I couldn't complete that report, but I submitted that report to Sue Lott.

Ms Cronk: I just want to make sure I understand

what you're saying, Ms Luu. You told me a moment ago that you prepared a second report to Brian Sutherland dated August 23.

Ms Luu: Mm-hmm.

Ms Cronk: Do I understand you to be saying that you continued to work on it and that by September 14 it had not been sent to Mr Sutherland?

Ms Luu: No. The September 14 report was my third report, but it was unfinished and it was unsent to Brian. It was addressed to Brian but it was unsent to Brian, and I submitted it to Sue, but the second report was sent to Brian.

Ms Cronk: So on or about August 23, you wrote to him again and delivered your letter expressing your concerns with respect to the centre.

Ms Luu: Mm-hmm, supported by evidence, by documents that I attached.

Ms Cronk: Supported by documents that you provided him.

Ms Luu: Mm-hmm.

Ms Cronk: And then you prepared a further report in the month of September, but it was not completed and you didn't deliver it to Mr Sutherland, although you did give a copy to Ms Lott at the constituency office of the minister. Have I got it right this time?

Ms Luu: Yes.

Ms Cronk: In your report in August you raised the issue of your concern concerning Dr Can D. Le's vision for the centre.

Ms Luu: Yes, and I raised the issue of Dr Le's coming to the board and providing the board with false information on the funds allocated for staff hiring and the false information he provided regarding the superintendent's probation. It was based on false information that we found out later, on May 12, 1994.

1330

The Chair: Can I just break in for a minute? Mrs Marland.

Mrs Marland: It would be helpful, Ms Cronk, if, when we're seeing these letters for the first time and you're familiar with them and Ms Luu is familiar with them, you could identify the paragraph. In this case there's been a reference to Dr Can Le's "vision," and it's in this resignation letter. I'm trying to skim through it fast and then move to another tab in order to keep up with you. If I want to refer back to that letter, it's helpful if I know right away where the paragraph is.

Ms Cronk: Thank you, Ms Marland. Ms Luu, just in response to the request of Ms Marland, in your letter of September 3 could you point out to her the paragraph in which you raise the issue of vision for the role and future of the centre?

Ms Luu: Paragraph 5. Number 5.

Ms Cronk: Thank you. In particular, do you raise that matter in the last sentence of that paragraph?

Ms Luu: That's true.

Ms Cronk: So that I understand what the situation was in the early fall of 1993, Ms Luu, you had left and

had started your studies at law school. Your employment with the centre was over, correct?

Ms Luu: Yes.

Ms Cronk: By that point in time, Sharron Pretty had just come on the board as a new director and had been appointed vice-president of the corporation. Had you come to know her at all at that stage?

Ms Luu: She used to come down and talk to me when I worked there, but we really talked about the problems at the centre in April 1993, April 29, 1993, when she called me and she left a message on the answering machine complaining about the superintendent's unauthorized entrance into her apartment. I let her know that I no more supervised the superintendent, and she was concerned. She went down and she talked to me and I broke down and I cried. She saw me crying, and I said that I was experiencing a lot of problems with Dr Le with the management of the centre. Then I learned that she was led into a false pretence by Dr Le to write a positive letter on the superintendent's performance, which he sent to Mr Bill Clement to gather positive remarks on the super during his probation, during the time when I wrote his evaluation report.

Ms Cronk: After that initial discussion with Ms Pretty in April 1993, did you thereafter talk to her from time to time about the concerns that you had regarding Van Lang?

Ms Luu: Yes, but not in specific details. At that time she was approached by Dr Le to serve on an advisory committee to form a tenant association, and I encouraged her to do so, because I believed that she might make a difference.

Ms Cronk: Over the course of time before you left the employ of the Van Lang Centre, Ms Luu, had you and Ms Pretty become friends?

Ms Luu: In the terms that we talked and I expressed my concerns over the problems that were there.

Oh, yes, I mentioned to her that we had for the past year not complied with the ministry's guidelines in referring to the OCRHA list for every second deep-core vacancy. When I learned of the faulty selection process on August 4—I learned it from Bill—I immediately took rectifications and I contacted Ms Janet McCredie, the director of tenant placement at OCRHA, asking her to refer me two names because at that time we needed to fill two shallow-core vacancies.

Ms Cronk: I just want to make sure that I don't get more lost than I already am in this answer, Ms Luu, through no fault of yours—mine. Could we just concentrate for a moment on the discussions you were having with Ms Pretty? My question to you was, over the course of time after April 1993, did you and Ms Pretty become friends?

Ms Luu: Yes.

Ms Cronk: And did you talk to her from time to time about a variety of your concerns relating to the Van Lang Centre?

Ms Luu: Yes, especially after the August 26 meeting, when Sharron found out that Can Le has provided false information to the board.

Ms Cronk: When you say the August 26 meeting, that was a board meeting, I take it, attended by Ms Pretty, of course, not yourself.

Ms Luu: No, not me.

Ms Cronk: Right. And you, I take it then, discussed with her what had occurred at the August 26 board meeting?

Ms Luu: Mm-hmm.

Ms Cronk: And from time to time thereafter during the fall, although you had left to go to law school, did Ms Pretty keep you informed and speak with you about what was happening at the Van Lang Centre?

Ms Luu: Yes, she did, on a regular basis.

Ms Cronk: Would it be fair to say, Ms Luu, that over the course of the summer and in particular into the fall of 1993, you and Ms Pretty both frequently discussed the concerns that you had had and continued to have and the concerns that she had about the Van Lang Centre?

Ms Luu: That's true.

Ms Cronk: And you did so on quite a frequent basis?

Ms Luu: Yes, whenever she learned anything that she found out that wasn't the truth provided by Can Le, because she only found out when she talked to me. She said: "Oh, Trinh, he said that and that and that. Is it true?" And I said: "No, it's not true. Look into that document. That document is not true."

Ms Cronk: Did you then suggest to her from time to time documents that she should look at to pursue her inquiries further?

Ms Luu: That's true. We realized the need for documentation in September. I told Sharron to document everything and I did it on my part too.

Ms Cronk: Were you by that time really more or less working as a team on these issues?

Ms Luu: Not quite so, because what I advised her at the time is to work with the board. I said: "This board is new. Talk to the president. Maybe he understands. Just because you didn't know him, maybe he would be more firm. So talk to him." And only when she have exhausted every resource, every recourse with the board, then we realize that this board is together in every area and we would waste time dealing with this board. That's why she went to see Evelyn. She submitted that letter on October 28.

Ms Cronk: Perhaps we can come to the events of October, but you said a few moments ago to the committee, in the context of discussing another meeting that you were at, that you were of the view that Ms Pretty was doing her job correctly and that she was "watching" events. Did I hear that correctly?

Ms Luu: No. She was watching events? No.

Ms Cronk: Did I misunderstand? All right. Did you in the course of the fall work with her closely in the sense of speaking with her about what was happening at the Van Lang Centre and about her concerns?

Ms Luu: I did not initiate all the conversations, but Sharron called me, and I found out that it was very important for me to help her, because what she revealed

was very important. She told me about meetings where a Somali family was discriminated and was imposed an unusual condition, and how Can Le procrastinated in offering them an apartment and finding excuses to get rid of them. And he kept on insisting that seniors should be selected. I thought this was very important, and I have to talk to Sharron on how to deal with all those problems.

Then whenever she encountered a difficulty, a roadblock, she called me and she said, "Trinh, they didn't let me look at this document and that document," and I said: "Oh, that is contrary to the Corporations Act. You should go to the board and you should insist with the board that that is illegal. Bring the Corporations Act with you." I got one and I made a copy and I gave it to her. So she went to the board, she brought the Corporations Act, she cited the provisions word for word, and they passed a resolution saying that, "No, that's not what we are doing. You have to submit a memo. Every information should be processed by Can Le. You should go through the secretary to obtain information on the corporation."

Ms Cronk: It's my understanding, Ms Luu, that those events that you've just described happened in the mid to late fall of 1993. Would that be correct, based on your recollection?

Ms Luu: Yes, they occurred during September and October.

Ms Cronk: And during that period of time, I take it, you did try to help her and did offer her advice when she sought it from you?

Ms Luu: Whenever she let me know of a certain event, to the best of my knowledge, whatever I know, whatever I have learned from my employment there, I offered her advice. I said: "Oh, you know, I went to ONPHA training sessions and I learned that the first thing every director or every manager has to do is to read the incorporating documents and to read the Corporations Act. That is the legislation that governs non-profit housing." She said: "I didn't have those copies. Can Le didn't provide me with the letters patent." So she got the letters patent from me.

1340

Ms Cronk: And did that continue throughout the fall?

Ms Luu: Yes.

Ms Cronk: And as well into the winter and spring of 1994?

Ms Luu: Mm-hmm.

Ms Cronk: And by that time, really, Ms Luu, so that I understand the situation, would it be fair to say that Sharron Pretty's concerns about the Van Lang Centre were more or less your concerns, and your concerns were more or less her concerns?

Ms Luu: Yes, we have similar concerns.

Ms Cronk: And you continued to deal with her about those issues on a frequent basis right through that year, up until the spring and the summer of this year?

Ms Luu: When we decided that: "Oh, Sharron, let's stop it. Let's ask for a board meeting where I can go to the board meeting and I can produce the evidence and we

can talk to this board and we say, 'This is what we have done wrong and let's stop this.'" So we tried an internal solution. First I advised her to go to Bill, exactly the way I did: "Go to Bill, Sharron. Let Bill know about it." Sharron was frustrated. She said, "Bill said it's internal; he couldn't do anything," and I said, "So write to Brian." So I advised her exactly what I have done before. I said: "Put it in writing, Sharron. Write to them. Let them know about your concerns." And when she tried and she failed, I said, "Write to Evelyn." That's what she did.

Ms Cronk: All right. May I deal with each of those? When you refer to "Bill," do you mean Bill Clement?

Ms Luu: Yes.

Ms Cronk: And when you refer to "Brian," are you referring to Brian Sutherland?

Ms Luu: Yes, Brian Sutherland, and Evelyn Gigantes.

Ms Cronk: Thank you. And you indicated that Ms Pretty wrote a letter, I think you said on October 28. Could I ask you to take a look at volume 2 of exhibit 1, at tab 11. Tab 11 of volume 2. There's a lot of paper here.

This is a letter dated October 29, 1993, Ms Luu. The date's a little difficult to see, but it's addressed to Ms Evelyn Gigantes, Ministry of Housing, and if you look under where the address appears, there's a date of October 29, 1993. Do you see that?

Ms Luu: Yes.

Ms Cronk: Is this the letter that you were referring to that Ms Pretty wrote to the ministry?

Ms Luu: Yes, she did write this letter.

Ms Cronk: All right. This is a lengthy letter that Sharron Pretty signed. Leaving aside the details of what is in the letter, Ms Luu, did you assist Ms Pretty in preparing this letter to the minister?

Ms Luu: No, I did not. This is October 29. October 28 they held a meeting where they passed a resolution to ask her to go through Can Le for every information. So I said: "Oh, this is serious, Sharron. Let's go and see Evelyn. Let's go and ask Evelyn for a meeting." That's why October 29 Sharron and I, we went to see Sue, and I understand that Sue might have told Sharron to put it in writing or something like that, and Sharron came back and she wrote this letter which she hand-delivered to Sue a few days later. But she said, "I would put it October 29 because that was the date when I went to see Sue for a request to see Evelyn."

Ms Cronk: Right. And when you refer to "Sue," are you referring to Sue Lott?

Ms Luu: Sue Lott.

Ms Cronk: All right. And did you go with Sharron Pretty to see Sue Lott on October 28?

Ms Luu: Yes, I did.

Ms Cronk: And did you meet with anyone else from the minister's constituency office, or Ms Lott alone?

Ms Luu: We were talking with Sue, and I was excited at the time because I obtained the copy of the Corporations Act on October 27, so: "Oh, I have found the law here. Let's show Sue that this is the law and this

board is defying the law." So we brought the Corporations Act. Sharron went there. She told her story. Sue was concerned. She might have advised Sharron to put it in writing. We insisted on informing Evelyn of these events and insisted on a meeting with Evelyn. And when we left—I didn't notice it, but Sharron later on told me that Evelyn was sitting in the room beside, smoking, and she did greet Evelyn.

Ms Cronk: This is on October 29?

Ms Luu: The 29th, yes. It was a Friday, and that was when Evelyn used to come back from Toronto.

Ms Cronk: Right. Is it then your evidence to the committee, Ms Luu, that on October 29, you and Sharron Pretty requested, through Sue Lott, a meeting with the minister?

Ms Luu: Yes, we did.

Ms Cronk: And it was suggested to Ms Pretty that she put her concerns in writing?

Ms Luu: Yes.

Ms Cronk: And when this letter had been prepared by Ms Pretty, you've indicated that you did not participate in its preparation.

Ms Luu: No.

Ms Cronk: Did you see it before it went to the minister?

Ms Luu: No.

Ms Cronk: Did you discuss its contents with Sharron Pretty?

Ms Luu: I just said to her, "Put it in a very concise form so that she won't have waste of time while reading your letter, because you know all my reports were long, maybe they didn't read them, so put your letter very short," but she came up with four pages, I think.

Ms Cronk: And did she discuss with you, before she sent the letter, the issues that she was going to raise with the ministry in this letter?

Ms Luu: She has discussed it. She has discussed all those issues before, earlier, with me when she found out about those. Whenever she found out about everything she called me and she said, "Trinh, I found out about this and that." So I already knew that she was going to talk about all this because these are the things that happened to her, that she found out.

Ms Cronk: Did you subsequently see this letter and have an opportunity to review it, Ms Luu?

Ms Luu: Later on I saw it but I didn't review it.

Ms Cronk: Have you, to date, read it? Have you read it now?

Ms Luu: Yes, of course.

Ms Cronk: What I'm suggesting to you is at some point during the course of—either later in 1993 or in 1994, did you see a copy of this letter and read it?

Ms Luu: Yes, she showed it to me.

Ms Cronk: That was after it had been sent to the minister, I take it?

Ms Luu: Mm-hmm.

Ms Cronk: Am I correct when I suggest to you that

in the letter itself there is no request made of the minister for a meeting, or do you recall? If you don't, that's fine.

Ms Luu: She requested an investigation, so I must be the one who requested the meeting, because we talked orally with Sue and the idea was to let Evelyn know. So it must be logical for me to insist that the only way for Evelyn to know is to unite our concerns, because I said: "Sue, look, I'm not the only one who said that. Here comes Sharron and she found the same thing. So we are serious and maybe we can unite our voices, and Evelyn must be aware that this is serious."

Ms Cronk: Did you yourself, after that meeting on October 29 with Ms Lott, write to the minister?

Ms Luu: Me? Writing with Ms Lott to the minister?

Ms Cronk: I'm sorry. After the meeting with Ms Lott on October 29, did you personally write to the minister about these matters as opposed to Ms Pretty?

Ms Luu: Yes. I wrote to Evelyn on November 8.

Ms Cronk: Could I ask you to look at tab 12, same volume.

Mr Callahan: Was the meeting not on October 28? You said the meeting on the 29.

Ms Cronk: I beg your pardon. The meeting was on October 28 and the letter was dated October 29. Mr Callahan corrects me.

Ms Luu: Yes, after the meeting.

Ms Cronk: The next document, at tab 12, is dated November 8, 1993. Is this a letter that you prepared?

Ms Luu: Yes. It was from me and I prepared it after a lot of research, because I was determined at that time to find out who was accountable for this situation. So I called Ms Karen Inselsbacher. She was an articling student at the time with the MOH legal services, and I wanted to find out whether the ministry had legal obligations towards the project. I found that no, they have none. So I re-read all the materials I had gathered during my employment there. I read the MOH administrative manual, on-file materials, everything, and I compiled my arguments here, and basically I was telling Evelyn: "Look, this is an issue under your jurisdiction. This is your responsibility. This is a housing project, and if the Ministry of Housing has no responsibilities, keeps saying that it's internal, we don't intervene, but at the same time keeps pouring down money into that project. So please tell me who is responsible." So I was quite tough.

If the Ministry of Housing has no responsibilities in the administration of the program, who else would, one may ask? This is the first time I wrote officially to Evelyn and it was tough.

1350

Ms Cronk: Did you ask the minister in this letter for a meeting with her?

Ms Luu: I think I did.

Ms Cronk: To help you, Ms Luu, if you could look at the first page of the letter, the first—

Ms Luu: Oh, yes, "A meeting be accorded in order for us to directly voice our concerns to you," and I insisted on the meeting, "Please talk to us and examine the evidence," because at that time I have gathered

enough evidence and my knowledge has increased. I became aware of the situation and I realized what was wrong and I started to gather evidence and I wanted Evelyn to look at the evidence I have.

Ms Cronk: At that point, that is, at the time you wrote this letter, were you content with the response and involvement of the minister's constituency office in response to your concerns?

Ms Luu: No, not at all. I even questioned the discrepancies in the positions adopted by Mr Clement and Mr Sutherland.

Ms Cronk: Ms Luu, I'm sorry to interrupt. My question was directed to the minister's constituency office, not the Minister of Housing and my question was, at that point were you satisfied with the response or interaction you were having with the constituency office?

Ms Luu: Well, personally, with Sue and Audrey I'm always happy because they are concerned. They listen. They received information I gave them and they always promised that they would take care and they would do the follow-up, so I'm quite happy with them.

Ms Cronk: You referred a few moments ago to Mr Clement.

Ms Luu: Mm-hmm.

Ms Cronk: Do I take it, then, that you had concerns about the response or interaction that you were having with the Ministry of Housing individuals?

Ms Luu: Yes, and I mentioned my questioning about their different positions outlined in my August 23 report—when I directly questioned Mr Sutherland, "Why did you tell me that and whenever I came to Bill and Bill said, 'No, no, no, I'm sorry, Trinh, it's internal,' so could you explain that to me?" So he did not. In here, I said it again. I reiterated that issue with Evelyn, Mrs Gigantes. I said, "A clarification by the Ministry of Housing on the discrepancies revealed through the actions and positions of the RHPO officers."

Ms Cronk: And did Ms Gigantes in due course reply to this letter?

Ms Luu: Yes, she did, one month later, and I found that was very positive and very prompt action on her part.

Ms Cronk: All right. Could I ask you to look at tab 14 of the same volume. There's a letter at this tab, tab 14 of volume 2, dated December 6, 1993.

Ms Luu: Mm-hmm.

Ms Cronk: Is this the minister's response to your letter?

Ms Luu: Yes.

Ms Cronk: And you regarded it, you said a moment ago, as prompt?

Ms Luu: Yes, and I'm very pleased about this letter and I thought: "Oh, Evelyn has listened to me. I'm particularly pleased at her promise that, 'I will contact you once I have the report and let you know if other actions appear necessary.'" So what I thought at that time is that, okay, the compliance review is in progress; what I do is just to sit back and wait for Evelyn to get back to me.

Ms Cronk: Could I ask you to look, if you would, please, at paragraphs 23 and 24 of the statement of background facts, Ms Luu. That starts at the top of page 7. Do you have that?

Ms Luu: Mm-hmm.

Ms Cronk: In paragraph 23, it is suggested that in the months following early November 1993, Ms Pretty and yourself, either acting alone or together, made a variety of allegations relating to the Van Lang Centre and its management and communicated them to representatives of the Ministry of Housing or the constituency offices of the minister. Some of those allegations, it is suggested, were expressed orally, while others were expressed or communicated in writing. Is that an accurate description of those events?

Ms Luu: If I remember well, I did not write anything after that November 8 letter to Evelyn because, like I said, I just sat back and I waited for the compliance review report. So it must be Sharron who kept going on with all her complaints and her allegations. And whenever I had a chance to talk to Sue Lott or Audrey Moey—and on various occasions it was Sue or Audrey who initiated the conversation. They would call me and ask me to attend a social event or to attend a campaign launch for an NDP candidate, and during those telephone conversations inevitably they asked about Van Lang Centre, and I kept them posted on what happened currently, what I heard from Sharron. I let them know.

Ms Cronk: During those discussions you relayed to them the information that Ms Pretty was giving you.

Ms Luu: Yes, and at every occasion I insisted on meeting with Evelyn. I said, "I have gathered all the evidence and I want Evelyn to look at my evidence," on three occasions I remember, on February 25, March 24, April 28, and those followed my November 8 letter. I insisted because the compliance review came out on February 8, but I heard nothing from Evelyn, as she promised in her December 6 letter, and I was concerned.

Oh, yeah, and on March 4, I co-signed a letter with Sharron, and that was the first time we raised doubts about the compliance review findings, and we insisted again on a special and urgent meeting with her.

Ms Cronk: Could I ask you to look, just on that issue, at tab 25 of volume 2? At tab 25, there's a letter dated March 4, 1994.

Interjection: Exhibit 1 or 2?

Ms Cronk: It's volume 2. It's exhibit 1.

Ms Luu: Yes, I've got it. That was our letter.

Ms Cronk: When you say "our letter," was that a letter written by Ms Pretty and yourself to Ms Gigantes, the Minister of Housing?

Ms Luu: Yes.

Ms Cronk: Is it in that letter that you requested what you described a moment ago as a special and urgent meeting?

Ms Luu: Yes, we did.

Ms Cronk: In that letter, do you specifically raise concerns relating to the compliance review?

Ms Luu: Yes.

Ms Cronk: I direct your attention to the top of page 2.

Ms Luu: That's true. Second page: "We also have many important and pressing questions regarding the findings of the compliance review, the ministry's funding of the centre's operations, and the understanding of the access and tenant participation issues."

I focus on Evelyn's two major policies, because from what I gather from my ONPHA training sessions, I know that the ministry is focusing on the issue of accessibility to housing and tenant participation, where tenants can have a say in decisions affecting their daily life at the centre.

I was concerned because I saw those two major policies did not materialize at this project, and I saw Evelyn's policies are at stake, and I'm concerned and I want to warn her. I said: "Maybe she doesn't know what her staff is doing. Maybe she doesn't know, so I have the responsibility to keep her informed, to make her aware of the gravity of the situation."

Ms Cronk: Is this then, Ms Luu, the second time that you had directly written to the minister about these matters?

Ms Luu: That's true.

Ms Cronk: And between the period December 6, 1993—at least that is the date of the minister's letter to you. I assume you received it some time shortly thereafter. Would that be a correct assumption on my part?

Ms Luu: Mm-hmm.

Ms Cronk: Between the date of your receipt of that letter in December 1993 and the time of your writing on March 4, 1994, your further letter to the minister, had you personally had any communication with her about this matter, that is, the matters related to Van Lang?

Ms Luu: I attempted once, but the circumstances did not allow me to do so, so I dropped that. It was on March 10. On February 25, Sue Lott called me and asked me to attend a social event at the NDP headquarters. It was around the block. I was studying for exams, but I said I would go and I would bring my file on the deviation of the original mandate so that I can show it to Evelyn. I did bring my file, but there were many people there and I could not show it to Evelyn. But I talked at length with Sue on the problems at the centre.

Ms Cronk: On the problems relating to the centre?

Ms Luu: Yes. That was on March 10. So I attempted, but I could not.

1400

Ms Cronk: Did you mention the date of February 25 a moment ago?

Ms Luu: Yes. That was when Sue called me and asked me to attend the March 10 meeting, and Sue found that it was a good idea. She said, "Yes, it must be a good idea that you talk to Evelyn, so just come and talk to her."

Ms Cronk: All right, then if I could just back you up, Ms Luu, so that I'm clear on the chronology. My question was directed to the time between December 1993, when the minister sent her response letter to you, and

March 4, when you and Ms Pretty wrote—both of you were writing to her again at this point. In that period of time, had you had any communication with the minister yourself about any matters related to the Van Lang Centre?

Ms Luu: No.

Ms Cronk: Had you, during that period of time, had any communications yourself with members of the minister's staff in Toronto?

Ms Luu: In Toronto? I talked to Karen Inselsbacher on October 29 and she called me back on November 9.

Ms Cronk: And when you refer to her, are you referring to an articling student in the legal services branch of the Ministry of Housing?

Ms Luu: At the legal services. Yes.

Ms Cronk: All right. Did you at any point, up to March 4, 1994, at any point up until then, Ms Luu, that you now recall, have any contact personally with any representative of the minister's own office in Toronto about matters related to the Van Lang Centre?

Ms Luu: No, not at all. I didn't know anyone.

Ms Cronk: And did you, during that period of time—that is, from the beginning of December 1993 through until the beginning of March 1994, when you and Ms Pretty again wrote to her—have any contact or discussion with anyone at her constituency office about the Van Lang Centre apart from the discussion that you told us about with Sue Lott later, on March 10?

Ms Luu: Apart from the conversation with Sue Lott? No. No.

Ms Cronk: And similarly, again during that same period of time—we're talking about approximately three months: December, January and February up to the beginning of March—did you personally have any further communications or discussions with any representative of the offices of the Ministry of Housing in Ottawa concerning matters related to the Van Lang Centre?

Ms Luu: Excuse me, it's from December to January—

Ms Cronk: The beginning of December 1993 up until your March 4 letter is sent.

Ms Luu: No. No.

Ms Cronk: All right. So really, then, if I understand it, in terms of your own involvement in these matters, you received a reply from the minister towards the beginning of December 1993—

Ms Luu: Mm-hmm.

Ms Cronk: —and you had no further communications personally with any of the minister herself, the Ministry of Housing staff in Ottawa or her constituency office staff or her staff in Toronto prior to sending your letter of March 4?

Ms Luu: Except the one with Sue Lott.

Ms Cronk: Yes, and that was March 10?

Ms Luu: That was on February 25 and March 10.

Ms Cronk: Sorry. All right. Thank you. And on February 25, when Ms Lott called and asked you to attend this social function, did you speak with her then

about Van Lang issues or was it only on March 10 that you did so?

Ms Luu: I did speak with her on the problems at Van Lang, right, in February. That was when Sue said, "It would be a good idea for you to talk to Evelyn," and I said, yes, I would bring my access file with me, and she said, "I look forward to have a chat with you on March 10."

Ms Cronk: I see. I've misunderstood that. Thank you very much. Did Ms Pretty keep you informed during those months—that is, December, January and February—as to events at the Van Lang Centre?

Ms Luu: Oh, yes. They were important events.

Ms Cronk: Did those important events include the reporting by representatives of the Ministry of Housing to the board of directors at Van Lang concerning the results of the compliance review?

Ms Luu: No, that was on February 8, and you were asking me about the period between December and January.

Ms Cronk: I'm sorry. In the months of December, January and February—

Ms Luu: Okay. February.

Ms Cronk: —I take it Ms Pretty was in frequent contact with you and was keeping you informed?

Ms Luu: Mm-hmm.

Ms Cronk: And of the events that occurred in those months that you regarded as important, was one of those the reporting on the compliance review by Ministry of Housing officials in February?

Ms Luu: Yes. The second one, after the failed attempt to remove her from the board.

Ms Cronk: And when was that?

Ms Luu: That was in November, on November 25.

Ms Cronk: At that time, as you understood it, was there an effort to have Ms Pretty removed from the board of directors at the centre?

Ms Luu: Yes, and the attempt was illegal, improper.

Ms Cronk: Again, when you use the word "illegal," what do you mean by that?

Ms Luu: Because it was against the procedures outlined by the Corporations Act. The Corporations Act said that only the corporation's membership can remove a director, but here this board did not set up any membership. They are, at the same time, members and directors. The Corporations Act said that to remove a director you should obtain one third or two thirds—I don't remember; one third or two thirds—of the vote at a meeting called by the members and stated beforehand with a notice given 10 days earlier, with the agenda setting that that meeting is to remove a director. But here they didn't proceed that way. Sharron walked into the meeting and they said, "You are no longer on the board because the tenant association did not acknowledge you as their representative any more."

Ms Cronk: When you say, then, that you regarded that effort as being illegal, I take from the explanation you've just given that you understood it to have been

done other than in compliance with the relevant corporate statutes.

Ms Luu: And I base my—

Ms Cronk: Is that right so far, just so that I understand?

Ms Luu: Yes.

Ms Cronk: Is it on that basis that you're describing it as illegal?

Ms Luu: That's on another basis, on another authority. Another source of authority that I base on is a letter from the corporation's legal counsel that was intercepted by a supporter of mine that showed that Dr Le has sought legal advice with our corporation's legal counsel on how to remove Sharron, on directors' access to information. The corporation's legal counsel proved that Sharron is right, I'm right, he's wrong. "You shouldn't do that because of those provisions in the Corporations Act. In order to remove Sharron, you should do that and that and that."

So I combined that letter from our own corporation's legal counsel. That letter was concealed, was withheld, by Dr Le from the board. Nobody was aware of that letter when it accidentally came into my knowledge.

Ms Cronk: Right. So as far as you were concerned, based on that information and your understanding of the relevant corporate statutes which govern the matter, it was an improper attempt to remove Ms Pretty.

Ms Luu: Yes, it was.

Ms Cronk: And that effort in November of 1993 you regarded as an important development, just as you regarded the reporting upon of the compliance report in February of 1994 as an important development. Do I have it correctly?

Ms Luu: Yes, and I would like to add another incident regarding Dr Le's defiance of rules and legislation right following Mr Sutherland's visit to the board on December 30, where the board all rushed on to justify with Mr Sutherland that: "No, no, we don't remove her. Her status is still in question. We would seek legal counsel and see whether it's proper to remove her, but right now she's still on the board."

So that was on December 30. Three or four days later, January 3, Dr Le issued a notice to tenants saying that "We thank Ms Pretty for her contribution on the board, and now that we have new tenant representatives, she's no longer needed on the board." So I interpreted that as a serious defiance of legislation, of Mr Sutherland's concerns expressed at the December 30 meeting. That was an important event.

Ms Cronk: Were you personally at the December 30, 1993, board meeting?

Ms Luu: Pardon me?

Ms Cronk: Were you personally at the December 30 board meeting?

Ms Luu: No, but I listened to the tapes.

Ms Cronk: When you say you listened to the tapes, was that board meeting taped, to your knowledge?

Ms Luu: Sharron started to tape board meetings at the

November 25, when she realized that there was a need for her to compile an accurate account of what happens at the centre in order to protect herself and in order to produce evidence of the inaccuracies in the board minutes and of the problems at the centre.

1410

Ms Cronk: In so far as you are aware, were the other directors aware that she was making tapes of those meetings?

Ms Luu: Yes. She did it right in front of them.

Ms Cronk: So your information of what occurred at the December 30 meeting, I take it, is based on your review of those tapes and your discussions with Sharron Pretty?

Ms Luu: Yes. She let me know; she kept me informed. She was very relieved that when she saw Brian, she was so happy. She said: "Oh, Trinh, Brian walked in unexpected. You know what happened? He said that he would send the staff to monitor this board." So we were all relieved. But the next meeting, Brian said at the December 30 meeting that, "Okay"—

Ms Cronk: I'm sorry, Ms Luu, could I just interrupt you there for a moment?

Ms Luu: Yes.

Ms Cronk: With respect to the December 30 meeting, your understanding of what occurred is based on what Ms Pretty told you and your review of the tapes of the meeting. Do I understand that correctly?

Ms Luu: That's true. Yes.

Ms Cronk: Could I bring you back then to March of 1994 when you personally are again involved? You've written to the minister on March 4. Did you receive a response from the minister to that letter?

Ms Luu: No.

Ms Cronk: At the time it was written, did you prepare the letter or did Ms Pretty or did you do it together?

Ms Luu: We did it together. We cosigned it.

Ms Cronk: And did you follow up on that letter when you had not received a response? Did you, for example, speak to her constituency staff?

Ms Luu: Yes. I spoke to Sue Lott on March 24, and Audrey called me on April 28, so I spoke to her again and Audrey said, "Did you write her?" I said: "Yes, I did. I put it in writing and she didn't answer me, Audrey. I'm still waiting for her promise, because she said that she would get back to me once she has the compliance review, and it has been two months, three months, and I haven't heard from her. The situation is getting worse and we found out that there were coverups and we really want to make her aware of all this, and she didn't answer."

Ms Cronk: From your point of view, Ms Luu, were you continuing to ask in that period of the spring for a meeting with the minister?

Ms Luu: I must say that I lost all hopes starting May 19.

Ms Cronk: All right, let's take it before May 19.

After you've sent your letter of March 4, throughout the balance of the month of March and the month of April 1994, from your perspective, were you continuing to request a meeting with the minister?

Ms Luu: Yes, and my last request was on April 28.

Ms Cronk: And on April 28, to whom did you make the request?

Ms Luu: I talked to Audrey Moey. I was studying for my exams, and she called me and she said, "Trinh, would you like to go to Elizabeth Arnold's campaign? She is an NDP municipal candidate." Then inevitably, like usual, we touched on the Van Lang Centre, and then I kept her informed of the situation. Audrey came back from her maternity leave and she said: "Oh, my God, I thought it was resolved, and when I came back I saw a lot of documents. I couldn't believe that." I said, "Yes, it's going on, like that," and I insisted on a meeting with Evelyn, and I didn't know why Evelyn didn't answer it to me. I was very tough. I said, "I don't understand why Evelyn has to sacrifice her reputation for Can Le's. This is only one person who did something wrong; it's not the whole community," and I wanted to make Evelyn aware of that. She doesn't have to be afraid of being seen like backlashing on an ethnic community. No, this is only one person. I'm not against the community.

Ms Cronk: When you say that, Ms Luu, that was your perspective on what was happening at the time?

Ms Luu: Yes.

Ms Cronk: That was in your mind.

Ms Luu: That, and I picked that up from Sue Lott, because I talked to Sue on March 10 and Sue said, "You know, Trinh, Evelyn should be very cautious, because, you see, it's not good for us to be seen as backlashing on an ethnic group." And I said: "I am having a lot of hard time to make my point to everyone that this is not the whole community. This is because of this so-called community leader who fostered that kind of misconception among my community that I feel a need to speak out so that my community would know this project is not reserved for Vietnamese only."

Ms Cronk: Ms Luu, you've told me again a great many things, and it's helpful, in the course of your last several answers, and I want to make sure I understand what you've told the committee. You have said in the last few minutes that you spoke with Sue Lott on March—

Ms Luu: On March 10.

Ms Cronk: Let me just ask the question—on March 10 and March 24, and that you spoke with Audrey Moey on April 8 and April 28, 1994.

Ms Luu: Yes.

Ms Cronk: Should the committee take from that that you held a number of discussions in the spring of 1994 with those two representatives of the minister's constituency offices?

Ms Luu: Yes, and I did offer a solution as well. I said—

Ms Cronk: Excuse me, Ms Luu. I'm sorry, I don't mean to interrupt. I will give you an opportunity to explain that to the committee, but I just want to make

sure I have the sequence of events correctly.

Ms Luu: Okay.

Ms Cronk: So you had a number of discussions during that period of time, at least with Ms Lott and with Ms Moey. Were there others as well in the month of May with members of her constituency office staff?

Ms Luu: In the month of May?

Ms Cronk: Yes.

Ms Luu: No. It was Sharron who talked to Karen Ridley and Sue Lott in May, not me.

Ms Cronk: All right. You then personally had those discussions in the months of March and April?

Ms Luu: Yes.

Ms Cronk: Were those discussions by telephone?

Ms Luu: Yes.

Ms Cronk: Did you tape any of those discussions?

Ms Luu: I did.

Ms Cronk: Did you do so with the knowledge of the other person on the telephone?

Ms Luu: No.

Ms Cronk: Why is that?

Ms Luu: First, I taped it for my own information, because I used to relisten to the tapes. I listened to what Sue or Audrey said, and I found that every conversation I had with Sue or Audrey, they always said, "Oh, I would get back to you in a few days, Trinh," and then I waited and I didn't hear anything. So I analysed it for myself to see whether the ministry is willing to intervene or not.

Secondly, the reason why I taped it is I realized there is a need for documentation given the circumstances, the circumstances where there are discrepancies in positions adopted by the MOH officials, there were inaccuracies in the board minutes, there were people lying, there were coverups. So there is a need for me to keep an accurate and truthful record of what happened in order to produce the evidence to whoever I want to. If I want to produce the evidence with the board, I should be able to say: "This is true. I tape, and this is what is going on."

Ms Cronk: I understand, Ms Luu, the reasons that you've described to the committee as to why you felt it important and useful to make tapes of the discussions. My question to you was, why did you not indicate to the other party to the conversation that you were doing so?

Ms Luu: Why should I tell them? I didn't have to, because this is for my own information and I don't have any intention to divulge it in public except internally, like at board meetings or within the ministry itself.

Ms Cronk: Just one final question, perhaps, before I could ask the Chair if we might take a short break. Did your efforts throughout the months of March and April and through to the beginning of May 1994 continue with the purpose of arranging a meeting with the minister?

Ms Luu: Through May 1994?

Ms Cronk: Yes.

Ms Luu: I didn't get in touch with them. I lost all hope after the April 28 conversation I had with Audrey, because she promised to get back to me in a few days. I

said to her: "Audrey, I have my last exam tomorrow and then I would be free. Please feel free to call me." She said, "Yes, I would, I would call you on Monday," and then she didn't call. So why should I persist any more with all these requests for a meeting, because whenever I insisted people said, "Okay, we would get back to you." As I said, I taped three times and three times I got at the end of the conversation: "You would hear from me soon, Trinh. I would get back to you." But I heard nothing, so I lost all hope.

Ms Cronk: Okay. Thank you.

The Chair: We can just take a five-minute break. We'll recess for five minutes.

The committee recessed from 1418 to 1433.

The Chair: We'll resume the hearing.

Mr Callahan: Just to ask a question, we've heard that all these meetings were—

The Chair: I would let counsel finish first.

Mr Callahan: Oh, all right. I thought maybe we could save some time if they taped the meeting of the 17th of June. Then it's all over.

Ms Cronk: I just can't do it to you, Mr Callahan. I can't make you wait. I anticipate the evidence will be that there's no tape of the June 17 meeting.

Mr Callahan: That's too bad.

Ms Cronk: I can tell you, sir, that if there is, I'm unaware of it. Ms Luu of course was not at the June 17 meeting.

If I could return, then, Ms Luu, to the events of April and May 1994—that's the period of time we were discussing—you told the committee just before we broke that during the month of May 1994, at least the early part of May, you personally, as distinct from Sharron Pretty, did not have any contact with members of the minister's constituency office about matters related to the Van Lang Centre. Is that correct?

Ms Luu: That's correct.

Ms Cronk: But you also indicated to the committee that Ms Pretty did, in so far as you are aware, have contact at that time.

Ms Luu: Let me think. She talked to Karen Ridley. Karen Ridley called Sharron on May 3.

Ms Cronk: Were you present for any of those discussions?

Ms Luu: No, because she left a message on Sharron's machine and I heard the message from Sharron afterwards.

Ms Cronk: To your knowledge did Ms Pretty tape any of the telephone discussions in which she participated during the months of April and May 1994?

Ms Luu: Yes, she did. She started taping in November, like I said, at board meetings and she taped all her conversations with the ministry officials, I believe, in December, January, all along.

Ms Cronk: Apart from the discussions which you have mentioned to the committee with Ms Lott and Ms Moey in the months of March and April, did you or Ms Pretty take any other steps in April 1994 concerning

matters related to the Van Lang Centre and your concerns about the centre?

Ms Luu: Yes, we did. We explored legal recourses.

Ms Cronk: What do you mean?

Ms Luu: We read the Corporations Act. I have the dates here with me. On November 12, 1993, I went to see the justice of the peace, and I was advised to come back a week later bringing with me a witness who could corroborate my story.

Ms Cronk: I'm sorry, what date was that?

Ms Luu: November 12.

Ms Cronk: Subsequently, Ms Luu, without getting into the details of it in any way, did you or, to your knowledge, Ms Pretty swear informations concerning alleged infractions of the Corporations Act by various directors of the board of directors of the Van Lang Centre?

Ms Luu: Yes, we did, and only after we had written to Ms Marilyn Churley, the minister of the Ministry of Consumer and Commercial Relations, on the advice of the JP.

Ms Cronk: For what purpose did you write to her?

Ms Luu: Because there is a provision in the Corporations Act saying that to pursue with a charge under the untrue statement you have to keep the minister informed. So the JP looked at that provision and she said, "You have to write to the minister."

Ms Cronk: Excuse me one moment, Ms Luu. You did write to Ms Churley in that regard?

Ms Luu: Yes, Sharron and I did; we co-signed that letter.

Ms Cronk: Ultimately, did you receive a reply?

Ms Luu: Yes, we did.

Ms Cronk: When was that?

Ms Luu: I can't remember the date. Let me take a look at my Chrono. We wrote on November 18, right after our trip to the JP, November 19 or 18. I can't remember when we got a reply. It must be in January, I think.

Ms Cronk: In January 1994?

Ms Luu: Yes.

Ms Cronk: And were you informed at that time by that minister, that is, the Minister of Consumer and Commercial Relations at the time, that the Corporations Act did not provide her ministry with the authority to intervene and resolve disputes with respect to issues under the Corporations Act?

Ms Luu: Yes, and she advised us to exhaust internal solutions first before taking any legal proceedings, and we did, because she referred us to one of her staff, Mr Ron Hartlen. So I called him immediately because she said there are other remedies available in the act, that you can use those remedies without taking legal proceedings. So I called Mr Ron Hartlen. We talked, and he sent me a letter in writing outlining those remedies. When we looked at those, we said: "Oh, we did all of them. We tried them all, and nothing worked."

Like he said, you can call an emergency meeting, you

can call a member meeting. That's what Sharron did: She called an emergency meeting to deal with the issue of denial of access to directors of a corporation's documents. Nobody came. Two days later they held a meeting telling her, "You are no longer on the board." That was in November. So we tried everything.

Ms Cronk: All right. As I understand it, Ms Luu, you received information from a Mr Hartlen, who at the time was with the compliance, companies branch of the Ministry of Consumer and Commercial Relations, identifying for you some of the remedial sections of the Corporations Act. Am I right in that?

Ms Luu: Yes.

Ms Cronk: All right. And is it to that communication that you were referring just a moment ago?

Ms Luu: Yes.

Ms Cronk: And that was in, as I understand it, January of 1994. Am I right in that?

Ms Luu: Yes.

1440

Ms Cronk: We're now talking about the time frame of April, 1994. During that month, did you and Ms Pretty complete informations alleging infractions of the Corporations Act?

Ms Luu: Yes, we did, only after we found out that all those available remedies have been tried out in vain, so we had no other option but to go back to the crown. So we went to the JP and the JP saw our voluminous binders and files and she said, "Okay, I have talked to the crown and the crown is willing to review all the evidence with you, so go and see the crown," and she referred us directly to the crown and the crown who takes our case is Louisette Girault.

Ms Cronk: Could I ask you to turn to volume 1 of exhibit 1, Ms Luu, to tab 6 of that book of documents? Do you have it there?

Ms Luu: Yes.

Ms Cronk: There are a series of informations set out at this tab. Are these the informations completed by Sharron Pretty and, in one case, yourself in April of 1994?

Ms Luu: Yes, they were.

Ms Cronk: And it's my understanding that these informations relate—first that they were sworn on or about April 25, 1994. Is that correct?

Ms Luu: That's true.

Ms Cronk: And that there were seven in total, six of which were completed by Ms Pretty, one of which was completed by you.

Ms Luu: Mm-hmm.

Ms Cronk: And they allege infractions of the Corporations Act against a number of then current or former directors of the board of directors of the Van Lang Centre?

Ms Luu: Yes, and against a former employee.

Ms Cronk: And a former employee?

Ms Luu: Yes, six of them.

Ms Cronk: And the persons against whom the

charges were laid starting—the pages are numbered for the benefit of the committee in the top right-hand corner. The first information found at page 2 is in respect of—I'm going to mispronounce this and I apologize in advance. Is it a Mr Bui?

Ms Luu: Ms Bui. That's the former office assistant.

Ms Cronk: If we go next to page 5, that is an information in respect of Dr Hieu Truong. He was at the time president of the board of directors of the Van Lang Centre as I understand it. Is that correct?

Ms Luu: Yes, he was.

Ms Cronk: And at page 8, we see—they're numbered in the top right-hand corner, Ms Luu—another information, this relating to a Mrs Lan Tran.

Ms Luu: This is the former tenant-director.

Ms Cronk: And if we go next to page 11, do we see there an information relating to Dr Vinh Tang?

Ms Luu: Yes.

Ms Cronk: As I understand it, he was the immediate past president of the Van Lang board of directors.

Ms Luu: That's true.

Ms Cronk: And at page 14, we see the fifth information relating to—is it a Mr My Nguyen?

Ms Luu: Yes.

Ms Cronk: And he also at the time was a director of the Van Lang board of directors.

Ms Luu: At the time he was the treasurer.

Ms Cronk: Page 17, the sixth information, this is one completed by you. Is that correct?

Ms Luu: Page—I'm sorry, the page again.

Ms Cronk: Page 17, it's the sixth information.

Ms Luu: Yes.

Ms Cronk: This is one completed by you?

Ms Luu: Yes.

Ms Cronk: It relates to Dr Can D. Le?

Ms Luu: Yes.

Ms Cronk: Finally, if we turn to page 20, there's a seventh information completed by Ms Pretty relating also to Dr Can D. Le. Is that correct?

Ms Luu: Yes.

Ms Cronk: These were completed, as you've indicated, on or about April 25, 1994 and just—

Ms Luu: Hmm.

Ms Cronk: Is that correct?

Ms Luu: These were laid around March because on March 17, we got an appointment with the crown. Sharron and I went to see the crown and she said, "Okay, we will look at your evidence and we will get back to you on April 8." On April 8, Ms Girault let me know that, okay, we can proceed with two charges, the denial of access to information and the charge of making an untrue entry in the board minutes. At the time, only Sharron proceeded with her charges and she did that on April 25.

Ms Cronk: Do I understand then that discussions were held by you and by Miss Pretty with representatives

of the crown's office in the month of March 1994 concerning these matters?

Ms Luu: Yes.

Ms Cronk: And when you say that the charges were laid at that time, do you mean by that that you were in discussions with the crown's office?

Ms Luu: Yes.

Ms Cronk: Is it correct that it was April 25 when the informations were actually sworn?

Ms Luu: Yes, by Sharron.

Ms Cronk: Yes, and similarly by yourself, it was during the month of April 1994?

Ms Luu: Yes.

Ms Cronk: Towards the end of April.

Ms Luu: Oh, my charge was already laid during March, but Sharron has to relay her charge because we need to retype it. There were some mistakes in the wording, and Ms Girault wanted us to redo the charges. So Sharron has to retype the whole information and she has to relay them.

Ms Cronk: There may be some confusion, Ms Luu, with the term "laying of charges."

Ms Luu: Mm-hmm.

Ms Cronk: And I want to be very clear about what your evidence is. As I understand it, you and Ms Pretty were in discussions with representatives of the crown's offices during the month of March 1994. Correct?

Ms Luu: Mm-hmm.

Ms Cronk: But the informations found at tab 6, which I have just reviewed with you, were actually sworn on or about April 25, 1994.

Ms Luu: That's true, yeah.

Ms Cronk: And during the month of March 1994, you've indicated—and you remember we looked at a joint letter that you and Sharron Pretty sent to the minister dated March 4.

Ms Luu: Mm-hmm.

Ms Cronk: And if I could just review the timing of some events that occurred and then I have a question for you.

Ms Luu: Mm-hmm.

Ms Cronk: You have told the committee that the results of the compliance review conducted by the Ministry of Housing were discussed with the board of directors of the Van Lang Centre on February 8 and that you subsequently personally saw and reviewed a copy of the review document. Am I right so far?

Ms Luu: Mm-hmm.

Ms Cronk: That's February 8. On March 4, you and Sharron Pretty co-author a letter to Evelyn Gigantes in which, by the language that you used, you were requesting a "special and urgent meeting" with the minister. Am I right so far?

Ms Luu: Yes.

Ms Cronk: It is several weeks later, six to eight weeks later, that these informations are actually sworn on April 25, but during the month of March you're in

discussions with the crown's offices. Am I correct so far?

Ms Luu: There is a difference between the two courses of action we were taking at the time, because we were dealing with the ministry. We were asking Evelyn to grant us a meeting so that we can show her evidence related to the core issues, what we call core issues, the accessibility to housing and tenant participation. We were aware at the time that the denial-of-access issue was not satisfactorily intervened by the minister and the only way for us to have it resolved is to go to the crown.

When we went to the crown, the crown said: "Okay, I can proceed with the charges under the Corporations Act, but I can't deal with the difficulties you have with the ministry regarding the core issues, the accessibility to housing. You have to go back to the ministry to have those resolved."

So our requests are distinctly made with the minister to have her look at the evidence we have on the core issues, but at that time, we lost any hope that she would intervene or the ministry staff would intervene in order to have this board comply with the Corporations Act, and we realized that was beyond their control. It was a legal matter and they couldn't do anything. So it was in the hands of the crown, and the crown is the only ultimate authority to decide whether to proceed with the charges or not.

Ms Cronk: So that I understand, are you saying, Ms Luu, that there were two matters proceeding in tandem at the same time—

Ms Luu: Mm-hmm.

Ms Cronk: —and that you and Ms Pretty were pursuing with the minister, by your letter of March 4 for example, a meeting with her to discuss what you describe as the core issues relating to the Van Lang Centre?

Ms Luu: And those core issues are the responsibility under the jurisdiction of the Ministry of Housing.

1450

Ms Cronk: And there is reference in many of the documents before the committee to what's described as the core issues. Would you tell the committee, please, what you mean by that term.

Ms Luu: I focus on the two major policies promoted by the minister, that is, the accessibility to housing accommodations regardless of ethnic background, race, marital status, and the second issue she promotes is the promotion of tenant participation. I understand that Evelyn's policy is to reach, by the end of 1995, for projects that are already operating, to fill their board with at least one third of the residents. One third of the board of directors should be tenants, should come from the tenant body.

Those are her two major policies, and we expressed our concerns related to those major policies because we have here a racially discriminatory tenant selection process that has been, and is still, promoted by Dr Can Le in person and by this board in general. What they want is to turn this project into an exclusively Vietnamese project. I can prove that because I have compiled—

Ms Cronk: Ms Luu, if I could just stop you there; again, if at any time you think it's important or you wish

to complete an answer when I've stopped you, please indicate that to me. But just so that the evidence is clear with respect to the questions I'm asking, when you allege a racially discriminatory tenant selection process, I take from what you've said that what you mean is that from your perspective and based on what you knew, you felt that there was a preference being given to strictly Vietnamese candidates. Is that what you mean when you say "racially discriminatory policy"?

Ms Luu: Strictly Vietnamese candidates and Vietnamese seniors.

Ms Cronk: All right. And more specifically, relating to the issues that you were pursuing with the minister, is it not correct that in many of the letters sent by Sharron Pretty or yourself to the minister or to representatives of the Ministry of Housing in the fall of 1993, the issue of access to information relating to the corporation was also raised?

Ms Luu: Was also mentioned?

Ms Cronk: Yes.

Ms Luu: Yes.

Ms Cronk: It was also raised. It was expressed as a concern, was it not?

Ms Luu: Yes, that's true.

Ms Cronk: And with respect to that issue, that is, access to information, as distinct from access to living as a tenant at the centre, with respect to access to information, you've told the committee that you were making inquiries about that as early as October 1993 with an articling student in the legal services branch at the Ministry of Housing. Am I right in that?

Ms Luu: No, that's not correct. At first we thought that issue of denial of access to information could be solved by the ministry as well. That's why Sharron went to see Bill Clement and expressed our concerns, and Sharron put that in her October 29 letter. But when we received no response and when Bill Clement kept saying, "Oh, Can Le has the right to keep all the information because he's the secretary of the board," we found it very strange, and when we obtained the Corporations Act we realized that this is under the Corporations Act and the ministry is reluctant to intervene because it's already there. It's a legal issue and they won't intervene. So we stopped seeking assistance regarding the access to information issue because we already took legal recourse. But when I talked to Karen Inselsbacher, the articling student, I was trying to find out the legal obligations the ministry might have towards the project.

Ms Cronk: But in addition, am I not correct that on October 29, 1993, you spoke to her, that is, to Karen Inselsbacher, and raised or alleged violations of the Corporations Act? That was part of your discussion with her as early as October 29, 1993, was it not?

Ms Luu: Yes, probably.

Ms Cronk: All right. Well, in fairness to you, could you look at tab 13 of exhibit 1, volume 2. Do you have that, Ms Luu?

Ms Luu: Oh, yes. This is the first time I saw it.

Ms Cronk: What I had suggested to you, and you had

disagreed with it and I'm suggesting it to you again, is that as early as the end of October 1993 you had given consideration to the issue of what you saw as violations of the Corporations Act; that is, to the access to information act.

Ms Luu: Yeah. I might not remember, so I might have mentioned that to her.

Ms Cronk: Well, this memo suggests that you did, doesn't it?

Ms Luu: Yes. Oh, yes, because it was right on October 29, and that was the day after the board meeting when they passed a resolution denying her access, and that was our uppermost concern at the time.

Ms Cronk: All right. So that I understand it, you had considered this issue and had had a conversation with her about it at the end of October.

Ms Luu: Mm-hmm.

Ms Cronk: You then told the committee that in January of 1994 you entered into correspondence with the Ministry of Consumer and Commercial Relations and received some information from representatives of that ministry concerning the Corporations Act and the remedial sections under that act?

Ms Luu: Mm-hmm.

Ms Cronk: And then in March, two months later, you're in discussions with representatives of the crown's offices concerning the allegations that you were making about infractions of the Corporations Act. Correct?

Ms Luu: Yes.

Ms Cronk: And it's at the end of April 1994—that is, on or about April 25, 1994—that informations are actually sworn by Ms Pretty and yourself.

Ms Luu: That's true.

Ms Cronk: Is that the sequence of events with respect to those charges?

Ms Luu: Yes, and those sequence of events, we did not totally control them because we acted as we went along and we acted on what we learned. Like, when we went to the JP, we didn't know that we had to write to Mrs Churley. When we wrote to her, we didn't know that there were other remedies. So we just went along whatever we can find. Whatever options we can find, we just explore them.

Ms Cronk: Right. You'd also written to the minister on March 4 with Ms Pretty requesting an urgent meeting, and that followed some three weeks after presentation to the board of directors of the results of the compliance review. Was it because of the results of the compliance review that you wrote that letter to the minister?

Ms Luu: That's true.

Ms Cronk: And thereafter, during the month of March or April, were you contacted or informed in any way as to whether the minister was considering a meeting with you or Ms Pretty?

Ms Luu: During March and April?

Ms Cronk: Yes.

Ms Luu: I talked to Sue, I talked to Audrey, and I discussed the compliance review findings with them.

Actually, on March 24—and I talked to Sue because the day before, Sharron detected a very serious deficiency that might cause a safety hazard to the tenant safety.

Ms Cronk: I'm sorry again to interrupt you, but just so that you're clear on what my question is: Leaving aside the compliance review, my question was, during the month of March or April 1994, were you contacted about or were you informed that the minister was considering a meeting with you or with Ms Pretty?

Ms Luu: No. What I heard from Sue and Audrey is that, "We would get back to you," they would get back to you, yes. And Sue found that it was a good idea that I should come into the picture now, because I said, "They can't exclude me because I know too much, and with my knowledge I can help solve the problems." And I pointed out the fact that Dr Le is relying on the fact that the board directors are new, nobody is aware of anything, and he misled the board on a lot of serious issues concerning the operations of the centre. I said, now that I know, what I want is the ministry's support to arrange a meeting, to support us to have a meeting for Sharron and I to come to the board and produce the evidence and make everybody face reality so that we can identify the problems and take remedial action.

Ms Cronk: So you were looking both for a meeting with the minister and a meeting with the board of directors of the Van Lang Centre.

Ms Luu: That's true.

Ms Cronk: All right. And do I understand you to be saying to the committee that no one on behalf of the minister informed you during the month of April whether consideration was being given to her actually having a meeting with you or Sharron Pretty?

Ms Luu: No. That's why I need to tape and listen to my tapes, and when I relisten to my tapes, my impression, my feeling, is that—what I got from Sue and from Audrey is that the ministry is reluctant to intervene, because the last conversation I had with the ministry's constituency staff was the one I had with Audrey, and Audrey said, "Trinh, there is one thing you and Sharron don't understand, is that once the project was built, the ministry has no more responsibility over that project." And I said, "That doesn't strike me as rational at all because somebody should be made accountable." And Audrey said, "Yes, the board." I said: "But who is checking on the board? The board should be accountable to whom? Here you give them the money and you don't ensure that the policies are implemented and you resent intervention, so where is the control?"

1500

Ms Cronk: After you and Ms Pretty, on April 25, swore the informations which you completed with respect to the Corporations Act, did you inform anyone at the minister's constituency office that you had done so?

Ms Luu: First I would like to clarify on one point: Sharron swore the information and she proceeded with the charges, but I did not because at that time I was studying for exams. There was a mutual agreement between me and Ms Girault that I would reconsider and I would proceed with my charge whenever I have time to

think about it, so only Sharron proceeded. On April 28 I informed Audrey, I said, "The last thing I heard from Sharron is that she has taken legal action."

Ms Cronk: Did you explain—I take it you mean Audrey Moey?

Ms Luu: Yes, Audrey Moey.

Ms Cronk: Did you explain to Ms Moey the nature of the legal action taken by Ms Pretty?

Ms Luu: Yes, I did.

Ms Cronk: What specifically do you recall telling her in that regard?

Ms Luu: I might have told her that they denied her access and she went to the crown. I might have, you know, explained to her—I don't remember.

Ms Cronk: You don't remember what you told her?

Ms Luu: If I had the transcript here I would remember what I said to her. Oh, I remember. I just told her that the last thing I heard from Sharron is that she has taken legal action. I didn't say anything about the crown. If I can, I can look at the transcript and I would know what I actually said to her.

Ms Cronk: Do you have a clear recollection in your own mind, Ms Luu, as to when, if at all, you first told any representative of the minister's constituency office about the nature of the legal action taken by Ms Pretty?

Ms Luu: Yes. I talked to Sue right on October 29. I explained to Sue, because we brought the Corporations Act with us. I explained to Sue, I said, "Look, Sue, there are provisions that say if you do that you would be fined and you would be charged for such an offence." So that's how I informally let Sue know about possible actions, possible remedies under the act.

Ms Cronk: Did you tell Ms Lott, on April 29, that charges had been brought or that informations had been sworn by Sharron Pretty?

Ms Luu: No, because at that time we didn't do anything yet.

Ms Cronk: Well, the informations had been sworn on April—

Mr Murphy: Are you talking about October or April?

Ms Cronk: Sorry?

Mr Murphy: Are you talking about October 29?

Ms Luu: Yes.

Ms Cronk: I thought she said April 28.

Mr Murphy: She's talking about October 29.

Ms Luu: No, October 29.

Ms Cronk: Thank you, Mr Murphy. I'm sorry. Let me ask you the question. It must be getting late in the day. I apologize. Let me understand.

Did you personally tell any member of the constituency office about the nature of the legal action taken by Sharron Pretty after those informations were sworn and, if so, when?

Ms Luu: I'm not sure. That's why I have to tape people so that I can look at what I said. But I think I first mentioned that Sharron has taken legal action to Audrey and it was on April 28, but I can't remember whether I

elaborated on the nature of the charges or not.

Ms Cronk: Do you remember doing so at any subsequent date?

Ms Luu: That was on April 28.

Ms Cronk: Yes. After that, do you remember elaborating on the nature of the legal action taken?

Ms Luu: After that I spoke to Marc Collins on June 2.

Ms Cronk: At any point during the month of May, do you recall elaborating on the nature of the legal action taken by Sharron Pretty to any representative of the minister's constituency office?

Ms Luu: No. I thought that I didn't talk to either Sue or Audrey after April 28.

Ms Cronk: Did you, after Ms Pretty had sworn those informations and you had completed your own, speak to anyone at the Ministry of Housing offices in Ottawa and inform them of those actions?

Ms Luu: No.

Ms Cronk: Did you, after the informations were sworn, speak to anyone at the minister's offices in Toronto and inform them that that action had been taken?

Ms Luu: Yes, with Marc Collins on June 2.

Ms Cronk: And during the month of May?

Ms Luu: No, I didn't talk to anyone—well, any staff member at the ministry, during the month of May.

Ms Cronk: Did you, during the month of May, speak to representatives of any member of the opposition party concerning the legal action taken by Ms Pretty?

Ms Luu: Yes, I did. I went to see Ms Mora Thompson, Ms Margaret Marland's aide, right here in this building, on May 25.

Ms Cronk: Did the issue of the legal action taken by Ms Pretty come up during that meeting?

Ms Luu: Yes, yes, it did.

Ms Cronk: Did you tell Ms Thompson the nature of the legal action taken?

Ms Luu: Yes, I said, "Sharron has proceeded with charges, but I haven't." Because, like I said earlier, starting at the end of April and especially when I read that article by Elizabeth Payne in the Citizen—it was an article outlining all the problems and the difficulties the Ministry of Housing is encountering and all the criticisms mounted by the opposition parties—I read that and I said, "This is us," because at that time I was really frustrated. I had all the evidence that I compiled with pain and energy and time and in good faith. I went to the right persons and no one was paying attention to me.

I insisted several times. I did not get the minister's attention, so I said: "Okay, so they don't want to listen to us any more. So here are the persons who share the same concerns. I might try them and see how they can help us to address all our concerns." I saw that article but I was studying for exams, so I just put it off my mind.

Then, May 3, Karen Ridley called Sharron and then Sharron informed her of the charges and Karen Ridley said, "Okay, we will try to set up a meeting for you to see the minister and Sue Lott will take care of that." That

was on May 3. Sharron waited for a week. Nothing happened, so Sharron called Sue and Sue said, "I'm sorry"—

Ms Cronk: Excuse me, Ms Luu. Were you participating in that phone discussion between Ms Lott and Sharron Pretty?

Ms Luu: No, it was their private conversation. How can I take part in that?

Ms Cronk: Well, you weren't, as I understand.

Ms Luu: No, I didn't know until later. She told me.

Ms Cronk: Do I understand your evidence to be that on May 3, as you understand it, Ms Pretty spoke with Karen Ridley of the minister's offices and informed her at that time of the charges?

Ms Luu: Yes, Karen called Sharron, asking her whether she had received the minister's letter, and if she had further concerns, "Please feel free to contact me at such number."

Ms Cronk: I was asking you about your meeting or discussion with Mora Thompson, which you told me was on May 25.

Ms Luu: Yes.

Ms Cronk: Was that a meeting or a telephone discussion?

Ms Luu: It was a meeting and I was recounting the events that led to that meeting, what made me come to see Mrs Marland's staff. So May 19 we learned from Sue that, "Sharron, you are involved in a legal action and that would put Evelyn in an awkward position to talk to you, and it would put Evelyn in an awkward position to talk to anyone involved in a legal action with the ministry." But then I said, "Sharron, we wrote, we co-signed that letter, but you are the only one who is involved in a legal action. I'm not. I did not proceed with my charges yet. So why didn't Evelyn listen to me? She owed me a meeting. I requested a meeting. I can insist on a meeting again."

1510

That sent me off to Mora Thompson. I went to Mora. Because I was frustrated, I wanted to someone to listen, I called Mora and Mora said, "Okay, could you send me your documents, whatever evidence you have?" I said: "No, I can't, because I don't feel comfortable leaving all the documents and then, who knows, you would send them around. I'm responsible for that, and Sharron won't feel happy if I leave them with you." I said, "Could you send someone here in Ottawa to listen to our story?" She said no, and I said: "Okay, I'll go to you. I'll try."

So I went to see Mora and then I spent about two hours telling her our story, our frustration, everything. Then Mora said, "Trinh, normally what we do is that when people come to us with problems with housing, I used to deal with Marc Collins. Let me talk to Marc and let me find out whether Marc can talk to Evelyn so that they can arrange a meeting for Evelyn to meet with you," because Mora and I both agreed that now we have the minister who hasn't seen my evidence yet. I feel it's imperative for me to keep her informed. So I went back—

Ms Cronk: Can I stop you there, just for a moment?

Ms Luu: Yes.

Ms Cronk: You came then, I take it, to Toronto and met with Mora Thompson.

Ms Luu: Yes.

Ms Cronk: During the course of that meeting, you've told the committee, you informed Ms Thompson of the nature of the legal action that had been taken.

Ms Luu: Yes, and I made it clear that it was only Sharron who was involved. I was not, so I can't insist on a meeting with Evelyn.

Ms Cronk: Did you tell Ms Thompson at that point that the legal action related to alleged infractions under the Corporations Act?

Ms Luu: Yes, I did.

Ms Cronk: Did you tell her against whom the informations had been sworn?

Ms Luu: Yes.

Ms Cronk: So you told her who and what.

Ms Luu: I might not have told all the names, but I said against board members.

Ms Cronk: Did you also suggest to Ms Thompson during that meeting with her that if the concerns that you had and that Ms Pretty had were solved internally, the charges could be withdrawn?

Ms Luu: No, I didn't say that. I said: "What we want is that we want to see Evelyn. We want Evelyn to take a look at the evidence." But I do not know whether Sharron is willing to withdraw the charges. I'm going to see Mora but I'm not representing Sharron, because Sharron is involved in a legal action, and at that time, Sharron was so frustrated that she gave up everything and she didn't care any more. She didn't care about insisting on meeting with the minister any more. I didn't know whether she would be willing to drop or not, so I didn't speak for her.

Ms Cronk: I want to be clear about this, Ms Luu, so that there's no confusion between us: As I understand it, you did not personally attend the subsequent meeting held on June 17 between the minister and members of the board of the Van Lang Centre. Am I right in that?

Ms Luu: That's true. I did not.

Ms Cronk: You did, however, have a meeting—and we'll come to it—yourself during the month of June with the minister.

Ms Luu: That's true.

Ms Cronk: What I am suggesting to you is that earlier than either of those meetings, that is, on May 25, 1994, at a meeting with Mora Thompson you indicated—I'm asking—did you indicate to her at that time that if the concerns could be solved internally the charges can be withdrawn?

Ms Luu: I might have touched on that. I can't remember. But there is an option. If it's solved satisfactorily and if the ministry intervenes, maybe Sharron can reconsider. I don't know. But of course there are options, that we can drop the charges, especially my charge. I told Mora: "I have a charge pending and I haven't proceeded

with that charge yet. If I find that my request has been met, I might drop that charge." I felt sure about my charge, but I'm not sure that I would feel that way about Sharron's charges, because they were her charges, and she didn't tell me to say anything to the Conservative Party, so I don't know.

Ms Cronk: You had one information which you had completed at that point. Is that correct?

Ms Luu: I have another possible fraud charge which I laid on May 17 with Ms Girault, and she promised that she would contemplate that. So at the time when I went to see Mora, I told Mora that the crown is contemplating a fraud charge against Dr Le.

Ms Cronk: At that time, that is, the time that you actually met with Ms Thompson, you had completed one information, but you had had discussions about a possible fraud charge. Is that right?

Ms Luu: I submitted the information and I haven't got any feedback on whether the crown would proceed with that charge or not.

Ms Cronk: Mr Chairman, I'd like to ask you if the committee would receive, as exhibit 4, a copy of certain handwritten notes which I understand to be notes of a discussion held between Ms Luu and Ms Mora Thompson on May 25, 1994.

Mr Murphy: Mr Chair, if I can, I don't want to preclude where the legal counsel is going, but there was a reference to a May 19 meeting. I'm wondering, are you planning on going back to that, something about a conversation between Sue and Sharron and with this witness involved? I thought I heard that, and I just didn't hear who was there and not there and who was party to it.

Ms Cronk: Thank you, Mr Murphy. I'll clarify that now. As I understand what you've said, Ms Luu, there was a discussion on May 19 between Sharron Pretty and Sue Lott. Is that correct, May 19?

Ms Luu: May 19. Yes.

Ms Cronk: I thought you told me that you did not participate in that call?

Ms Luu: No.

Ms Cronk: All right. Similarly, you told me that there was a discussion between Sharron Pretty and Karen Ridley, as you understand it, on May 3?

Ms Luu: Mm-hmm, previously to that.

Ms Cronk: Do I understand correctly that you did not participate personally in that call either?

Ms Luu: How could I? I just listened to the message afterwards.

Ms Cronk: Okay. When you say you listened to the message afterwards, you had discussions with Sharron Pretty about that?

Ms Luu: Yes. I advised her to call her back.

Ms Cronk: All right. So in respect of the May 3 and the May 19 discussions held by Sharron Pretty with Karen Ridley and Sue Lott, you have no personal knowledge about what was said during the course of those discussions?

Ms Luu: Until Sharron told me afterwards.

Ms Cronk: Thank you.

Mr Murphy: It might be helpful to hear from this witness what Sharron advised her happened at those meetings.

Ms Cronk: Could I take that under consideration, Mr Murphy, in the context of the questioning I'm asking and deal with this matter first?

Mr Murphy: Absolutely.

Ms Cronk: Thank you. Ms Luu, could I ask you to look at the notes that I have provided you and look at page 3. They're numbered in the top right-hand corner. I should tell you—

Mr Callahan: Could somebody read the entire note for us? I have no idea what the thing says.

Mrs Marland: In fairness, Ms Thompson is here to translate her handwriting, if needed.

Ms Cronk: Ms Luu, I don't propose to try to translate all of these entire notes on behalf of someone else who's the author, but I understand these notes, as I've indicated, to relate to your discussions at your meeting with Ms Thompson on May 25. Looking at page 3, about a third of the way down, you see the entry beginning, "Can Le wouldn't reveal corporate documents, even though required by Corporations Act." Do you see that?

Ms Luu: Mm-hmm.

Ms Cronk: Do you remember discussing that with Ms Thompson?

Ms Luu: Yes. Oh, yes. I should have mentioned him, Can Le. I should have mentioned his name.

Ms Cronk: And in the next entry, "Wrote to Churley, who said, try to solve internally"—

Ms Luu: "Court action...last resort," something like that.

Mr Murphy: "Should be last resort."

Ms Cronk: "Court action should be last resort." Was that what you took from the correspondence that you received from the Minister of Consumer and Commercial Relations?

Ms Luu: That's true.

Ms Cronk: And then in the next line, "Gave min"—minister—"a year to rectify situation before"—

Mr Murphy: "Went to court."

Ms Cronk: I think it may be "went to court." Do you see that?

Ms Luu: Yes.

Ms Cronk: Did you tell Ms Thompson that you had given the minister a year to rectify the situation before going to court?

Ms Luu: That might be how I interpreted all my attempts to have the ministry intervene and take a look at the evidence I have.

Ms Cronk: Do you, with these notes before you, have any recollection of having said that to Ms Thompson?

Ms Luu: Without any taping I can't remember.

Ms Cronk: Did you tape your meeting with Ms Thompson?

Ms Luu: No.

1520

Ms Cronk: Do you have any reason to disagree that that was said by you to Ms Thompson?

Ms Luu: Well, I am not sure about the words "a year," because you have to re-count, you have to count back from the date when I first approached and the date when the charges were laid to see whether it fits the period of the year or not. So there is the accuracy of the period of time to be discussed here, and I'm not sure because I didn't make that calculation. But I emphasized the fact that I gave them so many opportunities to take a look, to intervene, but nobody was listening to me.

Ms Cronk: And whether it was a year or a shorter or longer period of time—

Ms Luu: It should be "a long period of time."

Ms Cronk: Well, with these notes in front of you, leaving aside the issue of the length of time, do you have any reason to disagree with the recording made here that you indicated to Ms Thompson that you had given the minister a period of time "to rectify situation before went to court"?

Ms Luu: Well, taken in that sense, I won't disagree. That's true.

Mr Callahan: Could I just get clarity there? I read that to mean that she'd already given them a year. Is that what we're—

Ms Cronk: Yes. That's the proposition I've tried to put to the witness, Mr Callahan.

Ms Luu: Oh, yes, I remember now. I counted it a year, because I started work the first day, when I filed my first report, June 19, 1993, and when I went to see Ms Mora Thompson it was a year later, May and June. So that must be why I said a year.

Ms Cronk: The year's about right, isn't it?

Ms Luu: Yes. If I started back from the first day I wrote to Brian, that would be a year.

Ms Cronk: And in the next line, it's recorded, "If solve internally, charges can be withdrawn." Do you see that?

Ms Luu: Yes.

Ms Cronk: Did you tell Ms Thompson that?

Ms Luu: Yes, that's true, because if the ministry had intervened earlier when we first inquired about the charges, when we were not so determined to go ahead with the legal action, we would have dropped them. But we were only determined to go ahead with the legal action when we saw that the ministry was reluctant to intervene, and this board still defies everything and we decided to let the system teach them a lesson.

Ms Cronk: Well, Ms Luu, in an effort to understand that, at the time that you saw Ms Thompson on May 25, there were charges outstanding, formal informations that had been sworn by Ms Pretty.

Ms Luu: Mm-hmm.

Ms Cronk: And an information that had been completed by you, although because of your studying arrangements, you've indicated that you had an arrange-

ment with the representative of the crown offices that it was not to proceed immediately, that you would reconsider it. Correct?

Ms Luu: That's true. I can withdraw it any time I want.

Ms Cronk: Did you in that context suggest at the time that you met with Ms Thompson that if matters could be solved internally, those charges, that is those that were then pending, could be withdrawn?

Ms Luu: Yes, that's true.

Ms Cronk: So that was a matter that you had in your mind, something you had thought about, at least at the time that you met with Mora Thompson.

Ms Luu: Mm-hmm.

Ms Cronk: Thank you. Just while we're on that page, Ms Luu, could I ask you to look please at the top of the page. Perhaps in fairness, we should go back to the bottom of page 2. The entries there in the fourth-last line from the bottom indicate, if I'm reading them correctly, "Sharron is asking for a board meeting to expose Can Le's lies." You had told the committee a few moments ago that you were seeking a meeting with the board, as was Sharron.

Ms Luu: That has been our main and only purpose since March.

Ms Cronk: In the next line it reads, "She has confronted Can Le," and then I have difficulty with the next line, "Every"—it may be month, "mo"—"since March, has requested a meeting but board has dodged it." Do you see that?

Ms Luu: That's exactly the truth. I think since March 20 she wrote. She said: "Okay, this is the time that the truth should be exposed. I have the evidence. Let's have a board meeting. Let's confront reality." They didn't want that, so at the board meeting of March 29 she said it again, and at that meeting she threatened to go to the media. April 15, she wrote again, second request; May 2, she wrote again, third request; May 20, she wrote again, fourth request; June 3, she wrote again, fifth request; June 15, sixth request.

Ms Cronk: Do I take it then that the entries I've just read to you at the bottom of page 2 are matters that you disclosed or informed Ms Thompson about? You told her those things?

Ms Luu: Pardon me? I didn't catch it.

Ms Cronk: Are the notes accurate?

Ms Luu: Yes, they are.

Ms Cronk: Did you tell her those things?

Ms Luu: They are in the sense that I recollect it.

Ms Cronk: And then at the top of page 3—

Mr Colin D. McKinnon: Ms Cronk, I wonder if I could just interrupt a moment.

Ms Cronk: Yes, Mr McKinnon.

Mr McKinnon: In that to some extent you're embarking on cross-examination of the witness with respect to the meeting, it might in fairness be appropriate to allow the witness to read the entirety of the notes and then proceed with your questions.

Ms Cronk: I take your point. I have no objection to that, Mr McKinnon. I wonder if I could have a moment.

So that there's no misunderstanding, through no one's fault, Mr McKinnon—it certainly was not intended to create any unfairness to the witness—these notes were not provided to me until later today, but that was not through any lack of cooperation on anyone's part. So I've only recently seen them myself.

Mr Chair, I wonder if we could afford the witness an opportunity to review these notes over the next five or 10 minutes.

The Chair: Okay. We'll have a 10-minute break.

The committee recessed from 1526 to 1549.

The Chair: Okay, we'll resume the hearing. Ms Cronk, carry on.

Ms Cronk: Thank you, sir. Ms Luu, we were looking at page 3 of the notes which I understand to be those of Mora Thompson regarding your meeting with her on May 25, and I was about to ask you to look at the top of page 3 in which it indicates:

"—Evelyn's office said would arrange meeting.

"—But now, since have gone to court, min cannot do anything.

"—But wanted to talk to min"—minister—"re compliance review (by Ministry) of something "Relations)."

Then the next line, "Did tell Evelyn, will go to media and court if don't get her help—but no response."

Did you make that statement to Mora Thompson?

Ms Luu: Which one?

Ms Cronk: "Did tell Evelyn, will go to media and court if don't get her help—but no response."

Ms Luu: We didn't tell Evelyn; we did tell her staff. And I think I mentioned that at the conversation I had with Sue Lott right after the sump pump incident, so that was on March 24, I said Sharron was frustrated and she said that she would go to the media. I said, "Wait, wait, Sharron. Give Brian a chance," and I would give Evelyn a chance. I would talk to Sue. "You call Brian and read out to Brian that letter of December 21 when you mentioned the stench in the elevator to him. Let's give the ministry a chance."

So I talked to Sue and I informed her that Sharron, at that time, was already determined to go to the media, but I was the one who prevented her from doing so.

Ms Cronk: And that was in the month of March 1994?

Ms Luu: Yes.

Ms Cronk: At any time, did you, as this statement suggests, tell the minister or her staff that either you or Sharron Pretty would go to court if you didn't get her help?

Ms Luu: I didn't say that, but Sharron said that in her letter dated March 1 to Brian Sutherland, her 20-page letter report. She said, "If I find that my time has been wasted again, I will go to the public and turn this"—something like turning this into a matter of public concern or going to the media, and she said that right in her letter to Brian.

Ms Cronk: Did you understand that to be a reference to going to court?

Ms Luu: I remember Sharron mentioned that to Brian. At her meeting with Brian on December 9, she said: "Look, there are only two recourses left to me. That is to go to the media and to take legal action, and really, you don't want that, do you?" That's what she said to him. But on December 9, at her meeting with Brian, she already mentioned taking legal action as a possibility.

Ms Cronk: Were you at that meeting with Mr Sutherland and Ms Pretty on December 9?

Ms Luu: No.

Ms Cronk: So in making that statement, you're relying, I take it, on what Ms Pretty has told you.

Ms Luu: Mm-hmm.

Ms Cronk: And with respect to Ms Pretty's letter of March 1, that was a letter to Mr Sutherland?

Ms Luu: Mm-hmm.

Ms Cronk: And that letter, I suggest, makes reference to going public.

Ms Luu: Mm-hmm. I think it's on the last page.

Ms Cronk: In fairness to you, in exhibit 2, at tab 33—this is exhibit 2, tab 33.

Ms Luu: Which one?

Ms Cronk: Exhibit 2 has one volume, tab 33.

Ms Luu: Okay. I got it.

Ms Cronk: You have that?

Ms Luu: Yes.

Ms Cronk: As you pointed out, this is a 20-page letter from Sharron Pretty to Mr Sutherland.

Ms Luu: Mm-hmm.

Ms Cronk: Could I ask you to look at page 19, the second-last paragraph, which reads, "This is my last attempt...." Do you see that? It begins with those words.

Ms Luu: Mm-hmm.

Ms Cronk: "This is my last attempt to request the ministry's response to my concerns, intervention and positive actions. If I find out that my time has been wasted again, that all my reports, complaints, actions were undertaken in vain, why should I come to you any more? If no action is taken, then the public at large should really learn about what happened."

Is that the reference that you were alluding to a moment ago?

Ms Luu: Yes.

Ms Cronk: Would you agree with me, Ms Luu, or do you remember, that there is nothing specifically in this letter of March 1 to Mr Sutherland in any way suggesting that informing the public at large about what had happened might include court proceedings? That is nowhere mentioned in this letter.

Ms Luu: I don't know what she had in mind, but she must have meant going to the media. But I know from what she told me following the meeting she had with Brian on December 9—she said, "Look, I have only two options, going to the media and taking legal action, and I'm sure that you don't want that, do you?"

Ms Cronk: All right, well, Ms Pretty will be here and we can ask her about that. With respect to your own personal involvement, just so that I'm clear, did you at any time inform, as this notation would suggest, either the minister or any member of her staff that you or Sharron Pretty would go to court, as distinct from the media, if you did not get the minister's help?

Ms Luu: Let me remember the conversations I had with Evelyn's staff. No, I wouldn't say that on my behalf, because I—I wouldn't say that for Sharron, because I know what she was feeling at the time, but at the time I was still persisting. This was in March. If it was before April—so I was still insisting on a meeting with Evelyn, although we proceeded with the legal actions, but we didn't know what the crown would say, you know, and whatever options are offered to us, we just take it, explore it, but we don't know whether it would lead to a certain result or not. At that time I wasn't determined to take court action on my part. On Sharron's part, I don't know. She might be determined at that time, but not me, because I still insist on having Evelyn meeting with me and taking a look at my evidence.

Ms Cronk: So you did not tell the minister or her staff that.

Ms Luu: I did mention to Bill Clement, and I know when that was. It was right after the August 26, 1993, meeting when I learned that Can Le has provided false information to the board regarding the funds allocated for staff hiring and the information regarding the superintendent's probation requirements. I called Bill. The meeting was on Thursday. I called Bill Friday. It was one of those social contract days so they did not work on that day. I called again on Monday and I checked with Bill and Bill said, "Trinh, you know as much as I do how much has been allocated for a property manager's salary." And I said: "Oh, Bill, I can't imagine Can Le having the nerve to lie to the board like that. I will go to the media, Bill." That was when I was outraged and I told Bill about that. When I reported that to Sue, Sue said, "Did you say that to him?" because Sue wanted to confirm from me, "Did Bill realize that it was serious, that you were actually threatening him that you were going to the media?"

Ms Cronk: The distinction I'm making, Ms Luu, is this: You told the committee earlier, indeed immediately told me when we looked at the letter, that you had raised the possibility of going to the media early on, indeed, in the summer of 1993, and—

Ms Luu: With the board.

Ms Cronk: Yes, and you've just provided another example to the committee of when you did it, this time in a discussion with Bill Clement.

Ms Luu: Mm-hmm.

Ms Cronk: What I was talking about, however, was the suggestion contained in this notation of having told the minister, and I added the words "and her staff," because of what you said a few moments ago.

Ms Luu: Mm-hmm.

Ms Cronk: So may I repeat the question to you: I take it that what you have said at committee is that you personally did not at any time tell either the minister or

members of her staff that you would go to court if you didn't get her help.

Ms Luu: I would say Sharron would do that. I warned them that Sharron would take legal action, she would go to the court and she would go to the media if there is no action taken. I warned Sue. I warned the ministry over that.

Ms Cronk: When did you tell Ms Lott that Ms Pretty might go to court?

Ms Luu: March 24, right after the sump pump incident. I remember I said to Sue, "Oh, Sharron was so frustrated," and she said: "What shall we wait for? Just go to the media." I said to Sue, "You see, Sue, Sharron has no loyalty to Evelyn and nothing can prevent her and other tenants to go to the media." And if they did so, I had no other choice but to join them and corroborate the findings. Yes, that's what they said. That's what I said.

Ms Cronk: Do you, Ms Luu, have a clear recollection of having told Ms Lott that on March 24?

Ms Luu: Yes, I did.

Ms Cronk: And you're saying that you recall having raised with her the possibility both of going to the media and going to court?

Ms Luu: I did not remember saying anything about court charges, but I did remember very clearly that I warned her that Sharron was talking about going to the media.

Ms Cronk: All right. I understand that, and I'm sorry if my questions are confusing. So I'll try to make it clearer.

There were several times when you told representatives of the minister's constituency office about the possibility of Sharron Pretty going to the media. Am I right in that?

Ms Luu: That's true.

Ms Cronk: One of them, for example, is the March 24 discussion with Sue Lott that you've just described.

Ms Luu: Mm-hmm.

Ms Cronk: You're nodding yes? Sorry, yes?

Ms Luu: Oh, yes.

1600

Ms Cronk: Another was a discussion on April 28 that you've told the committee about, and both of those—

Ms Luu: April 28?

Ms Cronk: April 28. You said that earlier this afternoon.

Ms Luu: I talked to Audrey.

Ms Cronk: Yes, and during that discussion—

Ms Luu: Oh, yes. Sorry. At my conversation with Audrey I mentioned that the latest I heard from Sharron is that she has taken legal action. Yes.

Ms Cronk: What I was suggesting to you is that there were several times when you raised the possibility of the matter being brought to the attention of the media. One of those occasions was March 24. Another occasion was April 28. Do I have it right so far?

Ms Luu: Mm-hmm. That's true.

Ms Cronk: All right. And I am suggesting to you,

and I'll put it to you directly, that contrary to the notation contained in Ms Thompson's notes, at least in so far as you are concerned, at no time did you, Ms Luu, tell the minister or representatives of her staff that if you didn't get her help, you would go to court or Miss Pretty would go to court. You never said that.

Ms Luu: I never said that I would initiate court action or going to the media myself but I would be compelled to do so if Sharron and Michael Séguin or the tenants wanted to do so. I had to join them.

Ms Cronk: May we distinguish it this way? Could you put the media and references to the media to one side for the moment and just think about the prospect of going to court? What I am suggesting to you is that you personally never suggested to the minister or to members of her staff that either you or Sharron Pretty would go to court if you didn't get her help. Now, isn't that right?

Ms Luu: Let me think about it.

Ms Cronk: Okay.

Interjection: I think that's not what she said—

Mr Harnick: It's not what she said earlier.

Ms Luu: Would you say it again? I'm confused at the last sentence.

Ms Cronk: Yes. Let me rephrase it. I'll say it to you again; it may be the way I'm putting the question. Did you personally ever tell the minister or members of her staff that if you didn't get the minister's help, you or Sharron Pretty would go to court, as distinct from going to the media? Did you ever tell the minister or her staff that?

Ms Luu: No, I didn't tell the minister. Well, I didn't talk to her in person. I did not tell the ministry staff directly so, but I remember vividly that Sharron did so to Brian, and I did not, because I might realize that this is a matter that is out of their control, because it's governed by the Corporations Act. As I understand from the letter from Miss Marilyn Churley, it was governed by the Ministry of Consumer and Commercial Relations and the Corporations Act is out there as a self guide, you know, self guide for the board to operate, and it looks to me like the Ministry of Housing and the Ministry of Consumer and Commercial Relations have no jurisdiction on the provisions, on the charges or any provisions related to the act.

Ms Cronk: I understand. Thank you, Ms Luu. Could I ask you to look now at page—

Mrs Marland: Just a technical question of you, Ms Cronk: Tab 33 that you've just referred to, the March 1 letter from Ms Luu, my copy ends at page 19. It then goes to the appendix. I just wondered how many pages I'm missing.

Ms Cronk: You're missing one and we'll get it for you tonight, Ms Marland. I apologize for the photocopying error.

Mrs Marland: So it's just the signature page.

Ms Cronk: Yes.

Mrs Marland: Thank you.

Ms Cronk: It's page 20 that you're missing, Ms Marland. We'll get a copy of that.

Could you look at page 4, Ms Luu, of Ms Thompson's notes, please.

Ms Luu: Mm-hmm.

Ms Cronk: Just a little better than halfway down the page, you'll see the word "charges" underlined. Do you see that?

Ms Luu: Yes.

Ms Cronk: Then there are two entries to which I'd like to draw your attention. The first is "illegally refusing access." It says:

"charges:

"—illegally refusing access to insp of corp documents to a director," and then, "C has a hearing—June 2," and then there's another entry with a dash saying,

"—pending

"—knowingly making a false entry in board minutes (crown considering fraud charges)—if take that action, cannot disclose evidence."

Ms Luu: Oh, that's true.

Mrs Marland: Ms Cronk. Excuse me interrupting.

Ms Cronk: Yes.

Mrs Marland: Just for accuracy, I just confirmed with Miss Thompson, that "C has a hearing," the C is actually a bracket.

Ms Cronk: Thank you, Ms Marland. So "(has a hearing—June 2)," and then the balance of the entry that I just read to you. Did you discuss that with Ms Thompson, those matters?

Ms Luu: Yes. I let her know that Sharron's charges have been proceeded. We have a first hearing date for June 2. The charge I laid, I hang on to that. It wasn't proceeded yet. It was pending. At the time, the crown was considering a fraud charge. That's why I can't disclose the evidence related to that fraud charge.

Ms Cronk: All right. So you outlined for Ms Thompson the nature of the charges that Ms Pretty had initiated and, as well, your own with respect to the allegation of making a false entry.

Ms Luu: Mm-hmm.

Ms Cronk: And you raised as well the issue of the crown considering fraud charges.

Ms Luu: Yes.

Ms Cronk: Thank you, Ms Luu. Could I ask you then to turn to a new document, if you would, please. In volume 2, tab 53—this is exhibit 1. Tab 53 of volume 2, exhibit 1. Do you have that, Ms Luu?

Ms Luu: Mm-hmm. Yes.

Ms Cronk: I'm not sure that we're looking at the same document. I think you might be in the wrong exhibit.

Ms Luu: A memo to Mr Taber.

Ms Cronk: I think you're in the wrong exhibit book. You need volume 2, exhibit 1.

Ms Luu: Oh, I'm sorry. I've got it the other way around.

Ms Cronk: Perhaps Mr McKinnon can help you.

Mr McKinnon: What tab is it?

Ms Luu: Volume 2, exhibit 1.

Ms Cronk: Tab 53.

Ms Luu: Yes.

Ms Cronk: Thank you. This is an article under the byline of James Wallace entitled "Gigantes Ignores Scandal: Director."

Ms Luu: Mm-hmm.

Ms Cronk: There is a similar article, also by Mr Wallace, that appears at the next tab, tab 54. Did you on or about the first of June see these articles in the press?

Ms Luu: Yes, I saw it on the first of June.

Ms Cronk: Did you personally have any discussion with Mr Wallace prior to the appearance of these articles about matters related to the Van Lang Centre?

Ms Luu: No. I never talked to him and I never knew him. It was, let me see, on May 31, the day before the article, at 10 pm Sharron called me and she said: "Oh, Trinh, guess what? A reporter by the name of James Wallace just talked to me and he asked me about the problems at the centre, and I said, yes, that was true, and so on and so forth." And then the next day we heard about it, the next day at 8:30 or 8. So early in the morning Sharron called me and she said, "Oh, Trinh, you know, it was in the news." So it was totally unexpected to us.

Ms Cronk: And then you did tell the committee earlier that on the second of June, the day after these articles, you had a discussion—that is, you personally had a discussion—with Marc Collins of the minister's offices.

Ms Luu: Yes, I did.

Ms Cronk: Did you call Mr Collins or did he call you?

Ms Luu: When I came to see Mora she said, "Okay, let me talk to Marc and I'll get back to you, Trinh." That was on Wednesday. Friday, May 27, Mora left a message on my machine saying, "Trinh, it looks like you are going to get the meeting you want, so call me back on Monday and I will give you details of Marc's commitment to Evelyn's meeting with you."

I called Mora on Monday and Mora told me: "Yes, I talked to Marc and he seemed to find the idea of me having a meeting with Evelyn would be the best solution. So I'll let you know, so if he calls you or if you call him, just let him know that I was told that I was expecting an arrangement to see Mrs Gigantes and I was supposed to talk to you."

That was on Monday, and I waited; nothing happened on Monday. So on Tuesday, the 31st of May, I guess, I called Mr Collins's office. I left a message. On June 2 he called me, and I went home and found his message, so I called him back.

1610

Ms Cronk: Okay, thank you, and did you reach him? Did you speak with him?

Ms Luu: Yes, we did, actually.

Ms Cronk: Okay, and did you speak about a possible meeting with the minister?

Ms Luu: Yes.

Ms Cronk: Based on your discussion with Mr Collins, what did you understand was going to occur with respect to a meeting with the minister?

Ms Luu: First of all, at the beginning of the conversation Mr Collins seemed to resent the idea of having a meeting with Evelyn. He said that when there is a legal action pending it is very awkward for Evelyn—I refer to Evelyn as Evelyn—to talk to anyone involved in the project. First he said, “Oh, there is a legal action, so there is no point in meeting.” I said: “But the legal action involves Sharron only. I’m not involved, and I want to see Evelyn.” Marc said, “But you know it’s awkward for Evelyn’s position to talk to anyone regarding the project when there are legal actions pending.” I insisted, “But I want to see Evelyn just to show her the evidence I have, and I feel that it is the minister’s responsibility to be aware of the information and to receive the information in order to identify the problems and to take appropriate actions.”

So as we talked and talked and Marc said, “Okay, let me keep the facts straight: So you are such-and-such, and you are involved in such-and-such,” he said, “Yes, we are aware of the problems, and we have been in contact very regularly with the regional office.” That is Brian’s office. I said, “Yes, you got in touch with them very regularly, but I think that they did not give you the full picture, and I have here all the evidence that shows that this board is still defying housing rules and legislation in spite of the compliance review’s recommendations and findings.”

Finally, he said, “Okay, I want the ministry and I want Evelyn to look at your evidence.” Then he thought back, and he said maybe it would be better not for Evelyn to look at the evidence; maybe it would be somebody else who is involved and not the minister to get directly involved. I said: “Well, whoever. Just let me have somebody to talk to. Send me a lawyer or send me anyone from the ministry, because my concern is to show the evidence, to have the evidence being looked at by the minister.” I insisted, and I said: “I have very damaging evidence; none of you have. You lack information, Mr Collins, and I accumulated all this evidence for the past year.” I insisted, and nobody is listening to me, nobody has listened to me: “Look, just listen to me for 10 minutes, 15 minutes. If I said something wrong, well, Evelyn can dismiss it.” This “Oh, you are talking nonsense” is wrong. But Evelyn has nothing to lose—

Ms Cronk: I’m sorry, may I stop you there for a moment?

Ms Luu: Yes.

Ms Cronk: Would you like some water, Ms Luu? Would you like a glass of water?

Ms Luu: Okay. Thank you.

Ms Cronk: During the course of that discussion, Ms Luu, with Mr Collins, was any mention made of the charges then pending with respect to the Corporations Act?

Ms Luu: Yes. Marc inquired about the different legal actions. First he inquired about Trinh Tran’s action, and he said, “Is it still ongoing?” I said: “Yes, it’s still ongoing. It’s a civil court case.” Then he said, “So, what

about Sharron Pretty?” I said: “Yes. It’s not a civil action. Sharron has laid charges with the crown, and the crown has prosecuted the board.” He said, “Against the whole board or against certain members only?” I said: “Against certain members, because there were old and former boards. The former boards were not involved.”

Ms Cronk: Did you tell him the nature of the charges?

Ms Luu: Yes, I did, in detail, and I said that we had a hearing date that was today, June 2. When I talked to him, actually we went back from the court, and I told him that none of them has been served a notice, so another hearing date was issued and it would be for July 21—no, June 16. June 2—June 16, yes.

I told him—oh yes, I remember now—when that article appeared, I called Mora and both of us said, “Oh, it’s out in the paper now.” Then Mora said, “Has Marc Collins called you yet?” I said, “No.” That was on June 1 and he didn’t get back to me until June 2. Mora said, “I want you to call Marc and let him know that, because he might think that while he was arranging a meeting for you to see Evelyn, you were going to the media, and that was not considered an act of good faith. So I want you to talk to Marc and tell him that.”

So I told him that, and he inquired at least twice as to who went to the media, and I said, “I don’t know.” He said, “Who went to see Margaret Marland?” I said, “I did.” He said, “Well, you know, it’s not very political to do that.” I said: “I’m a plain citizen. I’m not a politician. Whoever listens to me, I went to expose my concerns. I went to see you. I cc’d all my letters, Sharron cc’d all her letters to you, ‘Marc Collins, policy adviser.’ We heard nothing. There was no action. What do we do?”

Ms Cronk: Was this the first time that you personally had spoken to Mr Collins?

Ms Luu: Yes.

Ms Cronk: Or heard from him in any way about these matters?

Ms Luu: I heard about his name, Marc, from Sue a long time ago, last year when I was involved.

Ms Cronk: But this was the first time you’d had any direct contact with him yourself?

Ms Luu: Yes.

Ms Cronk: Did Mr Collins give you any indication during the phone call on June 2 about whether he would take the matter up with the minister?

Ms Luu: Yes. He said, “I will talk to Evelyn tonight,” and I said: “So you will get back to me? When can I expect to hear from you?” I learned to ask that every time I got in touch with the ministry. He said: “Very shortly, Trinh. I promise, very shortly either you will hear from me or you will hear from Evelyn herself. Give me a few days.”

Ms Cronk: After you had told Mr Collins about the pending legal actions and had described the nature of them to him, did he make any comment about the possibility of a meeting with the minister?

Ms Luu: Yes. He said that—well, no, he didn’t say actually that, “We would arrange a meeting with you,”

but he said, "I will talk to Evelyn and you will hear from Evelyn." Can I look at my transcript? I have a transcript of that conversation.

Ms Cronk: Yes, if you wish. What did you understand was going to happen after the conversation concluded?

Ms Luu: I had no expectations at all. I should say that I lost any hope. I did it because of Mora and I did it because while there were hearings and open options just go with it, but—we stopped expecting things.

Ms Cronk: By that time, Ms Luu, as I understand your evidence before the committee, you personally had been seeking a meeting with the minister from at least November 1993—

Ms Luu: Yes.

Ms Cronk: —and you personally had made a number of requests, both to her staff and in writing to her for a meeting?

Ms Luu: Yes.

Ms Cronk: And Ms Pretty had also done so?

Ms Luu: Yes.

Ms Cronk: Do I understand then that the first time you had any contact from anyone from the minister's office about an actual meeting with her during the months of March, April, May or the early part of June was this call with Mr Collins on June 2?

Ms Luu: Yes, and that was a meeting for Evelyn to see me, not with the board. I didn't ask Evelyn to see the board.

Ms Cronk: Was there any discussion during that call with Mr Collins as to whether Ms Pretty would attend the meeting?

Ms Luu: No, because it was a meeting I requested for Evelyn to see me, only me, not Sharron or anyone else. I mentioned: "Okay, so you found the excuse. You provided the excuse that because Sharron is legally involved nobody can talk to her. So how about me? I'm not involved. Talk to me."

Ms Cronk: After that phone call with Mr Collins, were you contacted about a meeting with the minister?

Ms Luu: Yes.

Ms Cronk: By whom?

Ms Luu: By Audrey; Audrey Moey.

Ms Cronk: Audrey Moey of the minister's constituency staff?

Ms Luu: Yes.

Ms Cronk: And when did that occur?

Ms Luu: It was on a Wednesday, it should be Wednesday the 8th.

Ms Cronk: That's June 8?

Ms Luu: Yes. She called and she said, "Trinh, Evelyn is going to meet with you on June 17." I said, "Oh, Audrey, that's too late because things are rushing on and this board is mounting the pressure for Sharron to quit." And I said: "It's critical. I can't wait for another two weeks. How about this Friday?" Then the next day, on Thursday, she called and she said, "Okay, Trinh, you will

see Evelyn on Friday, this Friday," and that is Friday, June 10.

1620

Mr Murphy: There's been reference to a transcript of this call with Mr Collins and some other references to transcripts throughout the evidence of this witness. I haven't seen them in here. I assume some decision has been made by you in that regard about why or why not, and I'm wondering whether it would be of some use to have them, or is there a legal problem that I'm unaware of? What is the status relating to—

The Chair: I'll let Eleanore explain that, and I know she's got some of them here.

Ms Cronk: Mr Murphy, perhaps the shortest way that I can describe this is, there are a number of transcripts that have been made available to us as your counsel. There are a number of audiotapes of which we are aware. The transcripts were provided to us and were prepared by others for a number of material conversations. Our offices, that is, Mr Hourigan's office and my own, prepared the transcripts to confirm the accuracy of what was contained on the audiotapes.

It was my judgement and remains my judgement, unless it's the request of the committee, that there is no need for those transcripts to come before you so long as the oral evidence of the witnesses involved in the conversations is fully before you with respect to relative matters in those discussions, and it's my intention to pursue that with each and every witness.

I can say to you that not all of the transcripts—there is a large number of tapes involved, both of board meetings and of telephone discussions. That's why I put the questions to Ms Luu I did, so that the committee would be aware that those tapes existed over a period of time. We're talking about a large number of audiotapes; not all of them have been transcribed by our offices, and I am not in a position to confirm the technical accuracy of the original transcripts provided to us.

Mr Murphy: Am I then to assume, for example—there are obviously two parties and two relevant parties to a lot of these conversations, some of whom are going to be witnesses here to the other part of a conversation. Have their counsel or have they been provided access to the transcripts ahead of time, or not?

Ms Cronk: Where the conversation is a material one, and that is with respect to representatives of either the minister's constituency office or her offices in Toronto, counsel for those witnesses have been provided a copy of the transcripts, as prepared by our offices.

Mr Murphy: And are those, for example, available to be reviewed by members of this committee, or are we essentially subject to what you think as appropriate that we should see?

Ms Cronk: If that is the wish of the committee. Again, my approach to the matter and my suggestion to you is that so long as you have the oral evidence of the parties before you fully with respect to the nature of the discussions held, there is no need for the transcripts to be before you, it being implicit in what I'm saying that if there's any inconsistency on a material matter, you will

certainly hear about it from me.

Mr Murphy: I don't want to waste any more time in the committee with a witness. Maybe it's an issue that can be discussed further in subcommittee.

The Chair: Okay, fine.

Mr McKinnon: Just a point of information arising out of that, Ms Cronk: My client is referring to a transcript prepared by herself, and I've just learned now that you've prepared transcripts from tapes and provided them to other counsel, and I'm wondering if I could have access to those.

Ms Cronk: Perhaps it's a matter that you and I can discuss at the end of the day, Mr McKinnon, rather than taking the committee's time now.

Mr Chiarelli: Mr Chair—

The Chair: Mr Winninger did have his hand up.

Mr Winninger: Just for the sake of clarification, I assume now that there is a transcript of an audiotape of a conversation that Ms Luu had with Marc Collins of the ministry. Is that a fair assumption, since she referred to a transcript?

Ms Cronk: Yes, there is.

Mr Winninger: Okay, thank you.

Mr Chiarelli: I would make a very strong suggestion that either the Chair or committee counsel make a decision that those transcripts will be available on request of any committee member to review. I'm not suggesting that you make copies for everybody if they're very extensive, but I think in the interests of getting all the facts out, because we're substantially a fact-finding committee at this particular point, that those transcripts be made available to everybody, particularly if they're made available to counsel of various witnesses.

I think that they are certainly relevant to members of this committee, should we request to see them. I would strongly urge that the Chair or counsel make them available or, alternatively, that the issue be set on the agenda for a subcommittee meeting to be held in the very near future.

Ms Cronk: So that my position is clear, Mr Chiarelli, I take no objection to the committee members having access to the transcripts. I was trying to explain why they had not been put before you as exhibits, because I knew the witnesses were going to be called to speak to you in full about the discussions. If that's the committee's wish, of course they'll be made available.

Mr Chiarelli: Thank you.

Mr Callahan: Mr Chair, I know we normally refer things to the subcommittee, but I notice we have Marc Collins as a witness tomorrow. I for one—I can't speak for the other members of the committee—would like right now to request transcripts of at least the witnesses who are coming up tomorrow, and then the subcommittee can make its decision about other witnesses.

The Chair: I agree. Some of them haven't been checked over, so they can't certify them as correct.

Mr Callahan: The only reason I say that, Mr Chair, is it's fruitless to throw at us a lot of information tomorrow when we're in the middle of hearings and expect us

to get any meaningful content out of them. It's a couple of trees that could have been saved. I'd like to have them at a time when I can sit down and go through them and make my own judgemental value as to whether or not I feel they're valuable in examining Marc Collins, Sue Lott and any other witness for whom there are transcripts.

Ms Cronk: Again, just to respond to that, Mr Callahan, so that we're clear, there are transcripts prepared by our offices, that is, offices of your counsel, with respect to some of these discussions. Those I'm in a position to provide to committee members whenever sought, now or at any later time. I'm also saying to you that there are other transcripts, the accuracy of which I cannot verify. Those discussions or conversations that appear to be material have been transcribed. One of them is the discussion with Marc Collins. If the committee members wish a copy of that transcript, it can be made available.

Mr Callahan: I would ask for that now, and Sue Lott, if one is available, and Audrey Moey, if it's available. I consider them to be three of the most significant witnesses in this entire event.

Mrs Marland: Ms Cronk, has your office done a comparison between transcripts that you received of the audiotapes and the transcripts which your own office has done from the same audiotapes?

Ms Cronk: For selected discussions, we have, Ms Marland.

Mrs Marland: For some of them.

Ms Cronk: Yes, we have.

Mrs Marland: In the case of Marc Collins, for example?

Ms Cronk: That has been done.

Mrs Marland: Was there any difference between the transcript you received from someone else and the transcript that your office did from the same audiotape?

Ms Cronk: Of a minor nature, yes.

The Chair: Mr Winninger.

Mr Winninger: I agree with the request that transcripts be provided, both as prepared by your office but also the original transcripts that have been referred to. Could I just ask whether those transcripts of, I guess you could call them, telephonic conversations or in person include any with Mora Thompson?

Ms Cronk: They do not, sir.

Mr Winninger: But as I understand it, you have undertaken to provide transcripts to those who request them of what you've prepared and also copies of transcripts that you have in your possession that were prepared by others.

Ms Cronk: Actually, what I had suggested was that if committee members wish to see the transcripts which I am in a position to give some testament to as to accuracy, which are the ones provided and prepared by our offices, I'd make those available at any time to the committee. I'm in the hands of the committee. If they wish access to all of these documents, of course they will be made available.

I'm suggesting to you, sir, though, that there are only

some of these that are in any way relevant, that we're talking about a large number of audiotapes, a large number of transcripts. The accuracy of many cannot be confirmed by us as your counsel. The accuracy of some we are in a better position to confirm. It's the latter category that I was suggesting to provide to you. They include the discussion with Marc Collins, the discussion with Sue Lott and a discussion with Audrey Moey. I'm in a position to provide those on that basis. I'm saying to you, sir, there is a large number of transcripts and audiotapes here and some of them are completely irrelevant.

Mr Winninger: But just to be perfectly clear, you are saying that for those members of the committee who request not only to see the transcripts prepared by your office but also transcripts provided to you and in your possession, they can be made available for inspection.

1630

Ms Cronk: I'm in the hands of the committee. If that's your wish—

Mr Winninger: That's what I would ask.

Mr Callahan: I'd move it as a motion, Mr Chair.

Mr Stephen Owens (Scarborough Centre): Just supplementary to David's question, in terms of us gaining an understanding of what's available, can we have a listing of the tapes, some kind of index? Is that available? Are they catalogued in any way?

Ms Cronk: I can certainly provide to the committee a listing of the transcripts of which I'm aware, which have been provided to us. What I'm again pointing out to the committee is that some of those transcripts bear, for example, on board meetings of the Van Lang Centre that aren't material to your considerations. So I'm now in some confusion as to whether I'm being asked to make copies for those committee members who seek them of each of these transcripts. If that's your wish, of course that will be done, but I am saying to you that there are some of these that are directly relevant to the matters before you and some aren't, and I need to know whether you're asking for all of them or some of them.

Mr Murphy: I'm prepared and more than happy to accept counsel's judgement as to relevance, so what I'd like to do is move a motion that we be provided access to both counsel's transcripts and the witness's transcripts of those conversations deemed relevant by counsel, and that that be made available as soon as reasonably possible to all committee members.

The Chair: But only requests through the counsel of which ones people want rather than printing everything up for each member.

Mr Murphy: Well, no.

Mrs Marland: Mr Chair, could I suggest that this matter we can discuss before we adjourn tonight rather than take the time right now. Frankly, for myself, I'm not interested in having volumes of paper, of transcripts. If during the evidence in chief there is some question that isn't able to be confirmed by our counsel with the witness and there is then a necessity to refer to a tape, then I would be interested in the tape, but I'm not interested in either the audiotapes or the transcripts of

those tapes if my counsel is confident that she has been able to get the facts on the table from her witness or our witness. I'm saying that certainly I'm not interested in volumes of material.

The Chair: Let's have a five-minute sub meeting as soon as we take our next break and discuss it.

Mr Murphy: That's fine.

The Chair: Okay? Okay. Carry on then.

Ms Cronk: Thank you. Ms Luu, we were discussing the contact which you received concerning a meeting with the minister. You had indicated that Ms Moey had contacted you in that regard, had originally indicated to you that the meeting would be held on June 17, but at your urging, I take it, there was a response coming to you after that that the meeting would be moved to June 10. Did I understand that correctly?

Ms Luu: Yes.

Ms Cronk: And during your discussions with Ms Moey did you suggest, or did she, that Sharron Pretty attend the meeting or was it your understanding that the meeting would strictly be between yourself and the minister?

Ms Luu: No, there was no mentioning about Sharron. It was a meeting for Evelyn to see me, just Evelyn and me.

Ms Cronk: And what did you understand the purpose of it to be?

Ms Luu: They didn't say the purpose of that meeting was for what, but to my understanding—well, I was insisting for a meeting to show Evelyn the evidence, so I guess at that meeting I would have the opportunity to do that.

Ms Cronk: Where was the meeting held?

Ms Luu: It was at Evelyn's constituency office.

Ms Cronk: Was it in fact held on June 10?

Ms Luu: Yes.

Ms Cronk: Who was present at the meeting?

Ms Luu: Evelyn, me and Audrey.

Ms Cronk: How long did the meeting last?

Ms Luu: From 3:30 to 5 pm, one hour and a half.

Ms Cronk: Did you make notes at the meeting?

Ms Luu: No. I was talking.

Ms Cronk: Did you see anyone else making notes at the meeting?

Ms Luu: I saw Audrey coming with a pad of notes, but she was sitting right beside me and I was talking to Evelyn so I didn't take a look at her. I didn't know whether she took notes or not.

Ms Cronk: To your knowledge, did the minister make notes at the meeting?

Ms Luu: No. She was listening.

Ms Cronk: After the meeting had concluded, did you subsequently prepare notes of your recollection of what had been discussed at the meeting?

Ms Luu: Yes. I typed it in my computer.

Ms Cronk: And did you review those notes for the purposes of giving your evidence before the committee?

Ms Luu: Yes. I did that on July 15, when I received a call from Mr Hourigan. I said, "So I should make it into an official statement," because right up to that time I didn't see any point of producing that statement, because nobody asked me. All the focus was on Sharron and not on that meeting.

Ms Cronk: And before coming here today to give your evidence to the committee, did you review those notes?

Ms Luu: I just typed them into sentences, because when I type them in I just, you know, throw them not in organized sentences, but then I put verbs and do all the editing and the wording.

Mr Winninger: Excuse me. There was a name the witness mentioned that she—

Ms Cronk: Mr Hourigan.

Mr Winninger: Hourigan. Thank you.

Ms Cronk: Did you review the notes for the purposes of giving your evidence here today?

Ms Luu: Yes. I just put it into an official statement.

Ms Cronk: And after you had done that, did you read them again before you came to give evidence here today?

Ms Luu: Yes.

Ms Cronk: Could I ask you to look at volume 3 of exhibit 1 at tab 70. Too much paper there. You're looking for volume 3. Perhaps Mr McKinnon can help you find it.

Mr Luu: Seventy-three?

Ms Cronk: Tab 70 of volume 3. To the best of your recollection, when did you prepare these notes, Ms Luu?

Ms Luu: I prepared them right after my meeting with Evelyn. That was on Friday, so it would be on Friday night.

Ms Cronk: Are these the notes that you prepared of your meeting with Ms Gigantes?

Ms Luu: Yes, but not in polished sentences like that, just the facts, like "Documents presented to Evelyn," and then I cited all the stuff. I put aside the documents in chronological order that I showed to Evelyn. That's how you saw my pack of documents when you made copies of them at your first interview with me.

Mr Chiarelli: We're having a bit of trouble on the audio. Perhaps the witness could move a little closer to the mike, or perhaps the technician could raise the volume.

Ms Cronk: Ms Luu, maybe we could take it one question at a time. I know it's difficult because you've got these legal binders in front of you, but could I ask you if you could be as close to the mike as you can.

Ms Luu: Okay.

Ms Cronk: When you prepared these notes—you've indicated to the committee that you did so on the Friday night after your meeting with Ms Gigantes but not in as formalized a way. Is that correct?

Ms Luu: That's true. Yes.

Ms Cronk: And did you subsequently prepare them in a more formal fashion after Mr Hourigan of our offices contacted you for an interview?

Ms Luu: Yes, because I had the intention at that time to submit my statement to you.

Ms Cronk: Do these notes, to the best of your recollection, accurately record what was discussed by you with the minister at your meeting with her on June 10?

Ms Luu: Yes, they do.

Ms Cronk: When you arrived at the meeting, Ms Luu, did anyone comment to you about Sharron Pretty's absence, about the fact that she was not there?

Ms Luu: At the meeting on June 10?

Ms Cronk: Yes. When you arrived at that meeting, did anyone comment on that to you?

Ms Luu: No, because everybody was expecting me alone to see Evelyn.

Ms Cronk: When you say that everybody was expecting that, that was your understanding, I take it, that the meeting was to be with you alone?

Ms Luu: Because I asked for a meeting for me to see Evelyn, and I knew at the time that Sharron couldn't meet with her because of the court case.

Ms Cronk: How did you know that?

Ms Luu: From Sue Lott's conversation with Sharron on May 19 and from the conversation I had with Marc Collins.

1640

Ms Cronk: You took from your discussion with Mr Collins that Ms Pretty could not meet with the minister?

Ms Luu: Yes, and from Sue Lott on May 19. That had become very clear. That's why I insisted that: "Look, I'm not involved. Talk to me."

Ms Cronk: And what did you discuss with the minister at the meeting on June 10?

Ms Luu: First of all she said, "Trinh, what can I do for you?" I prepared that statement so I set it down. I believe that it is the minister's responsibility to receive the information related to the problems at our centre, because only when you receive the information, you identify the problems; only then could you take appropriate actions to remedy the problems. I said, "With or without Can Le here, I would say exactly the same things because this is the truth."

I prepared at home a number of documents that I put in chronological order, because right before I went to see Evelyn, the day before, the board issued a notice to call a meeting to remove Sharron on June 19. I deemed that event very important, so I put together the documents in chronological order, in order to make my point to the minister that this is how this board is treating a fellow director and answering to the non-Viet tenants' concerns.

Ms Cronk: When did you understand that was to happen, or when was it proposed that it was to happen, the removal of Ms Pretty?

Ms Luu: The day before. I met Evelyn on June 10, so Sharron received that notice on June 9.

Ms Cronk: Was that a notice of action that had already been taken or of action that was proposed to be taken by the board?

Ms Luu: It says: "Notice to call a meeting on June

19. The purpose of the meeting is to pass a resolution to remove Sharron Pretty from the office of director." It says that meeting is "a members' meeting."

Ms Cronk: When was that meeting to take place?

Ms Luu: On June 19. The date of the notice was June 8 and Sharron received it on June 9.

Ms Cronk: Did you take with you to the meeting with the minister the documents that you had prepared?

Ms Luu: Yes, I did.

Ms Cronk: Did you show her some or all of those documents during the course of the meeting?

Ms Luu: Yes. I flipped through them and showed them. I led her through numbers (1), (2) and (3), as I put it here in my statement. First, I showed her the court docket proving that charges were laid and a hearing date was issued and then the description of the charges. I read the provisions of the charges and what Sharron had laid as information in those sheets.

Ms Cronk: Did you show that to the minister?

Ms Luu: Yes. She was right here so I just flipped it to her. I just showed her, like that.

Ms Cronk: Could I ask you to look at tab 71 of the same volume of documents? That's volume 3. There's a handwritten note on the front page. Is that your note?

Ms Luu: Yes.

Ms Cronk: The note indicates "documents shown to Evelyn June 10, 1994." Are these documents which you showed to the minister during the course of your meeting with her?

Ms Luu: Let me check with my statement. What tab is my statement?

Ms Cronk: Your notes are at tab 70 and the documents are at tab 71.

Ms Luu: I put them in order exactly in this way, first the court docket, so they are not in order here.

Ms Cronk: May I have it first? Are these the documents that you showed to her?

Ms Luu: Let me take a look. The first one, yes.

Ms Cronk: All right. Is the first one the—

Ms Luu: The second one, the June 3 minutes, yes.

Ms Cronk: I apologize these pages aren't numbered, but if you flip about halfway through the documents you'll find, first, a notice to tenants dated June 6, 1994. Each document or attachment is separated by a white piece of paper. Then expurgated minutes of a meeting of the board held on June 3, 1994, and I'll come to those in a moment, Ms Luu. Then a document—on the top left-hand side of the page it says "Ministry of the Attorney"—dated June 2, 1994.

Ms Luu: I have trouble following you. I was just checking the documents. Could you repeat? Because they are not in order, you know. You started with which one, please?

Ms Cronk: The third document in this bundle. The third separate document, Ms Luu, is a document that appears to be a copy of a court notice dated June 2, 1994. Do you recognize this document?

Ms Luu: Yes.

Ms Cronk: What is it?

Ms Luu: It's a court docket.

Ms Cronk: Did you show that to the minister at the meeting?

Ms Luu: Yes. She did make a copy of this.

Ms Cronk: The minister did?

Ms Luu: Yes. At the end of my meeting, she asked for this and the notice of the board to remove Sharron. She said, "Can I have a copy of these two documents?" I said yes and Audrey went to make copies for her.

Ms Cronk: Did she keep a copy of those two documents?

Ms Luu: Yes.

Ms Cronk: So the first of them was this court docket?

Ms Luu: Yes.

Ms Cronk: Does it refer to the information sworn by Ms Pretty—

Ms Luu: Yes.

Ms Cronk: —against the various directors of the Van Lang Centre—

Ms Luu: Yes.

Ms Cronk: —as well as other unrelated proceedings?

Ms Luu: No, just a description of the charges laid by Sharron, not the rest, because I brought only the charges laid by Sharron only.

Ms Cronk: There are some names indicated here, I take it, that have nothing to do with the charges brought by Ms Pretty, but the ones that she brought against the directors are also named there.

Ms Luu: There was a description of the charges.

Ms Cronk: I'm sorry, I'm just looking at the docket form itself, Ms Luu. If you look at the right-hand column, there's a list of names. What I'm suggesting to you is that in that list are the names of the directors of the Van Lang Centre against whom Ms Pretty brought her allegations. There's also the names of some individuals on unrelated matters, other court proceedings. Is that correct?

Ms Luu: Yes, that's correct.

Ms Cronk: And you left a copy of this document, at her request, with the minister?

Ms Luu: Mm-hmm.

Ms Cronk: If you turn to the second-last document—

Mrs Marland: Just a on a point, Ms Cronk—I'm sorry to interrupt—the document that you're just leaving, because it is so small, can you tell us what it says at the top of the column of the dates that are preceding the names?

Interjection: "Date of offence."

Ms Cronk: Ms Luu, I don't know if you can help Ms Marland with that, but if I might be permitted to assist the committee—

Mr McKinnon: It says "date of arrest," in fact. It's taken from the criminal precedent.

Ms Luu: That's the date of the offence.

Mrs Marland: Thank you.

Ms Cronk: I think it actually says "date of off," and then "arrest," offence or arrest. There are dates that appear before the names of the Van Lang board of directors. Just to confirm, Ms Luu, perhaps to assist the committee, going down that list of names, am I right that Mr—again, I apologize if I'm mispronouncing this—Bui is one of the individuals?

Ms Luu: Yes, Ms Bui.

Ms Cronk: Ms Bui?

Ms Luu: Yes.

Ms Cronk: Dr Can Le?

Ms Luu: Four counts.

Ms Cronk: And Mr My Nguyen?

Ms Luu: Yes.

Ms Cronk: Dr Vinh Tang?

Ms Luu: Yes.

Ms Cronk: Ms Lang Tran?

Ms Luu: Yes.

Ms Cronk: And Dr Hieu Truong?

Ms Luu: Yes.

Ms Cronk: Those are the directors against whom charges were brought?

Ms Luu: Yes.

Mr Callahan: Can you direct me to the dates on which those incidents occurred?

Ms Cronk: I think it was clarified, Mr Callahan, that that column refers either to a date of offence or a date of arrest.

Mr Winner: This may be premature, but earlier, when I asked the counsel about the number of charges outstanding, I recall that the total was six. Are there some of these charges listed on the docket that have since been withdrawn?

Ms Cronk: Just to help you with that, if you look at the actual informations contained in volume 1 at tab 6, I believe you'll find that four of the charges are of the same information. So if you count the number of informations, in fact you're talking six informations sworn by Ms Pretty, one by Ms Luu, to various counsels.

If we look then, again, to the back of the second-last document at this tab, Ms Luu, you indicated—

Interjection.

Ms Cronk: The second-last one.

Ms Luu: This one?

Ms Cronk: Yes. You indicated to the committee that when you went to that meeting with the minister on June 10, you were aware of the notice that had been provided to Ms Pretty of an intended resolution by the board of directors of the Van Lang Centre to remove her as a director at a meeting to be held on June 19.

Ms Luu: Mm-hmm.

Ms Cronk: Is this the notice to which you refer?

Ms Luu: Yes, it was.

Ms Cronk: Is this the second document, a copy of which you provided to the minister at the meeting?

Ms Luu: Yes.

Ms Cronk: Did you provide a copy to the minister at the meeting of any other documents?

Ms Luu: No. Well, I didn't provide it. I just showed her and she requested that these two documents would be copied.

Ms Cronk: Did she request any others?

Ms Luu: No.

Ms Cronk: During the course of the meeting, was there discussion by you with the minister about the court docket, document or the outstanding charges laid by Ms Pretty?

Ms Luu: Yes, I did. I have to start with the charges because I have to go through the documents chronologically in order to make my point that, yes, there was a court case, yes, there was a court date, there were charges laid, and yet this board is still denying that there was any court case and there were any problems at all.

They issued a notice to tenants misinforming them, saying that there was no court case, the allegations were unfounded and the board is seeking legal action. At the same time, they issued another notice. Both notices were received by non-Viet tenants on the same day. In the second notice, they said, "Okay, we got the letter you co-signed, you supported Sharron and we invite you to a meeting with the board."

I pointed out to Evelyn that the non-Viet tenants were scared because they got two notices, one inviting them to a board meeting to listen to the board and the second one on the same day saying that the person you are supporting, we are seeking legal action against her, so that is an act of intimidation. I have to put those documents in chronological order in order to make my point to the minister—make my point on tenant participation to the minister.

Ms Cronk: Who did most of the talking at this meeting, Ms Luu?

Ms Luu: I did.

Ms Cronk: Were you sort of briefing the minister?

Ms Luu: Yes. I was taking my chance.

Ms Cronk: And did you take her through a large number of documents?

Ms Luu: Oh, yes. I went through these, as I stated in my statement here. I briefed her on all these things and I even read out to her two passages from Brian Sutherland's statements of his surprise visit on December 30, and that was at the request of Sharron in the wake of a failed attempt to remove her from the board. I read out to her what Brian was saying on his concerns if there was a lack of an open and fair process, and then he said if there are board directors who are forced to resign in frustration, who are threatened to resign, that is a sure sign that there is a problem in the building.

Ms Cronk: Just dealing, Ms Luu, with the court docket and the informations referred to in the court docket, what, if any, discussion took place at the meeting about it?

Ms Luu: What, if any—oh, the minister asked me whether that was a civil court case and I said no, and I briefed her on the mechanism of how a private citizen can lay an information with the JP, and the crown proceeds with the prosecution. So I said, “This is not a civil court case, this is prosecuted by the crown.”

Later on I added that the crown is contemplating a fraud charge against Dr Le, and I briefed her on why that charge came up, and I showed her the assessment. I didn't bring it; I didn't show. I just told her how Dr Can Le provided false information to the board in order to pass the incompetent superintendent into permanent status without meeting his probation requirements.

I said that is a fraud charge that is contemplated by the crown right now, and the crown has all the evidence. I said there are possible charges coming up.

Ms Cronk: When you showed the minister the docket form and told her about the charges, did she indicate to you one way or the other whether she already knew about them?

Ms Luu: No, she didn't say anything, and I explained to her how the charges came up. I briefed her on the related provisions in the Corporations Act, and I told her how the board denied Sharron the information she needed, the free access to information, and how they passed a resolution to make Sharron go through Can Le for every information she needs about the corporation, how she went to board meetings bringing the Corporations Act with her, citing word for word each provision, and how they still ignored that.

Ms Cronk: And you told the minister about that at the meeting?

Ms Luu: Yes, I did.

Ms Cronk: Did you know then, while you were at the meeting, when the next court appearance was in respect of those charges?

Ms Luu: Yes, I did. That's why I put it on the court docket that the new court date is for July 21.

Ms Cronk: When you say you put it on the court docket, there's the date?

Ms Luu: Oh, no. June 16.

Ms Cronk: If you look at the docket form at tab 71, the date June 16 appears. It's crossed out and it later says July 21. Was that on the document when you gave it to the minister, or did it say June 16?

Ms Luu: It must be another copy, because I have a lot of copies of this court docket and I kept adding on the new date whenever there is a new hearing. So it might be not the exact copy, but it was the court docket that I gave to her. So it should be the one with the June 16.

Ms Cronk: As far as you knew, that was the next scheduled court appearance?

Ms Luu: Yes.

Ms Cronk: Did you know when you went to the meeting with the minister on June 10, Ms Luu, that a meeting with the board of directors of the Van Lang Centre with the minister was being planned?

Ms Luu: I did not learn about that until Audrey took me aside and said, “You know, Trinh, Evelyn wants to

see you first, because she's going to meet with the board.”

Ms Cronk: And when did Ms Moey take you aside and tell you that?

Ms Luu: At the end of the meeting. We sat at a porch of the constituency office, and Audrey expressed her concerns and her frustration over the situation and she said, “You know, Trinh, I fought very hard for this meeting,” and she—well, I don't want to say that. She pointed to Paul Dewar and she said, “You know, I argued with him. He said, ‘What's the use of seeing Trinh?’ and I said: ‘Are you afraid? She has documented a lot and she has a lot of documents and she knows a lot. Why shouldn't we meet with her? Are you afraid of finding out?’”

Mr Callahan: Who was complaining? I didn't catch the name.

Ms Luu: Audrey and I had a private conversation after the meeting.

Mr Callahan: And who is complaining?

Mr Murphy: You said someone was pointed to.

Ms Luu: Who is complaining?

Interjections.

Mr Murphy: Are you referring to Paul?

Ms Luu: To Paul? Oh, Paul Dewar?

Mr Sutherland: Who is doing the questioning, Mr Chair?

Mr Callahan: Well, we're just trying to get a clarification, Mr Sutherland. You may not be interested, but I am.

Ms Cronk: Paul Dewar?

Ms Luu: Paul Dewar.

Mr Murphy: And who is he?

Ms Luu: Paul did not complain, he just—

Ms Cronk: Did you know then who Mr Dewar was?

Ms Luu: Yes.

Ms Cronk: And who is Mr Dewar?

Ms Luu: He's the son of Marion Dewar, and he was the one who interviewed me at the first job.

Ms Cronk: Does he work for the Minister of Housing?

Ms Luu: At that time he went back to his job. I understand that he went for one year at teaching college and then he went back for the summer. I just saw him then and I said, “Hi, Paul,” and he said he finished his studies. So he was there.

Ms Cronk: Did Ms Moey tell you during that discussion that you had with her at the end of the meeting when the meeting with the board was being planned, when the minister was intending to meet with the board?

Ms Luu: I can't remember.

Ms Cronk: And that was the first you'd heard of that?

Ms Luu: Yes.

Ms Cronk: And did she indicate whether Ms Pretty was expected to be at that meeting?

Ms Luu: No.

Ms Cronk: Did you discuss with the minister at the June 10 meeting the resolution to remove Sharron Pretty as a director of the Van Lang Centre?

Ms Luu: Discuss the resolution?

Ms Cronk: Sorry. You provided her with a copy of the notice from the board—

Ms Luu: Yes.

Ms Cronk: —that is a resolution—

Ms Luu: Yes.

Ms Cronk: —to vote on the removal of Sharron Pretty as a director?

Ms Luu: Yes.

Ms Cronk: Did you discuss that with the minister?

Ms Luu: I made a lot of comments on that. I said, "I challenge the legality of the board's action." I said, "This board doesn't set up membership, and they try to remove Sharron, and after they sought legal advice with the corporation's legal counsel and they learned that there should be two thirds of the membership, the approval from two thirds of the membership, to remove a fellow director. That's why they proceeded with a member meeting. They called it a member meeting, but it was they themselves as directors removing their fellow director under the disguise of members, because they are the members and they are the directors." And I said, "This is illegal," because no director can remove any fellow director. Only the membership can do that, and they don't have any membership, so it's improper.

1700

Ms Cronk: Did the minister make any comment about that issue, that is, the proposed removal of Ms Pretty?

Ms Luu: No. She just listened in silence.

Ms Cronk: You indicated that the meeting lasted from about 3:30 to 5, about one and a half hours, is that correct?

Ms Luu: Yes.

Ms Cronk: How much of the meeting was devoted to a discussion concerning the court docket and the pending legal proceedings?

Ms Luu: As much as I can tell her what the nature of the charges are and who is charged. I said, "Can Le is charged; Can Le has four counts because of what and what." And I said, "The crown just looked at the date of the memo Sharron has to file and the crown took it that on that date Can Le has committed an offence of preventing her from openly inspecting the documents." So I said, "That's how Can Le came up with four charges, while the other directors, each of them has one charge, because one of them called the motion and everybody else supported the motion."

Ms Cronk: So are we talking about a length of time, the minutes that it took you to describe it to her, the couple of minutes at the meeting?

Ms Luu: Yes.

Ms Cronk: Similarly, with respect to the proposed removal of Sharron Pretty, did that discussion take a

couple of minutes at the meeting as well?

Ms Luu: Yes.

Ms Cronk: How did the minister respond to the information that you provided her at this meeting?

Ms Luu: Then I proceeded to the core issues, because this is the evidence I wanted her to take a look at. I have this file with me. This is the brief on deviation from original mandate. I have all the briefs, I have all the documents, and as I talked, I flipped through the documents. I showed her the letters patent and I said, "You know, eight months into my job I realized that this is a vital document that every director and every manager has to familiarize with before taking office." And I said—

Ms Cronk: I'm sorry to interrupt.

Ms Luu: I'm sorry.

Ms Cronk: That's all right. Excuse me for interrupting. I don't do it with any disrespect, but rather than getting into the detail of each of the other topics that you discussed with the minister, should I take from what you were about to say and also from your notes that you reviewed with her a large number of other matters at the meeting as well?

Ms Luu: Yes, including the evidence, the letter that I obtained from my friend who is one of my supporters, and that letter is living proof of Can Le's dishonesty to his fellow directors, because he withheld that information. He did not report back to his fellow directors on the results of his discussions with the legal counsel on the directors' access to information and how to remove legally a fellow director.

Ms Cronk: All right, so you reviewed with the minister a large number of the concerns that you had, is that correct?

Ms Luu: Yes.

Ms Cronk: And you showed her a number of documents, or referred to them, that you felt supported your concerns?

Ms Luu: Mm-hmm.

Ms Cronk: After you had done all of that, after you had taken the minister through all of that, how did she respond, if at all, to what you were telling her?

Ms Luu: She asked me to read the letters patent to her twice, and I did. Then she said, "This building is not for seniors only." So she listened when I tackled the proof of Can Le's—I don't know how to say it, the document that Can Le withheld from the board. She didn't say anything. She just remained silent. Then I showed her my report number 3, where we have more documents showing the irregularities concerning the circumstances in which the super was hired and how he was pushed into permanent status based on false information as well.

Ms Cronk: So you reviewed a number of things with her.

Ms Luu: Yes.

Ms Cronk: Did she give you any indication at the meeting about what if anything she was going to do about what you'd told her?

Ms Luu: Only when I asked her. Oh, yes, and then when I went through that, she stopped me and she said, "Did Bill Clement know about this?" Then I reached down in my bag, the black bag that I drag with me all the time. I said, "Report number 1, report number 2, report number 3. Bill knows all about it. But he refused to listen to me, and I don't trust Bill. I think that Bill is covering up for Can Le."

Ms Cronk: Did you tell the minister that?

Ms Luu: Yes. Then she said, "Did Brian know about it?" Then I pulled the 20-page letter report written by Sharron, and I said, "This is what Sharron informed Brian, insisting on Brian looking at the evidence, and no one listened." Brian has turned a blind eye to a meeting where Sharron was removed from her title and where an improper decision on staff issues was decided under the item of "miscellaneous."

Ms Cronk: Did the minister, to you, seem concerned about what she was hearing?

Ms Luu: Yes, she was genuinely concerned. Finally she said, "This is really messy." I said, "It wouldn't have been that messy, Evelyn, if you had listened to me and Sharron a few months ago." Then we just chatted. At that time I think Beverley came in or she just passed a note or something—

Ms Cronk: Beverley?

Ms Luu: Beverley Bell. She just came in, and then Evelyn asked me, "Would you like to sit on a committee, Trinh, a health committee or something like that?"

Ms Cronk: Before the meeting concluded with the minister did you ask her to do anything?

Ms Luu: I didn't ask her to do anything. I said, "So what do you think you would do, Evelyn?" She said: "Well, I don't know. I'm not a lawyer." She said, "Can I have a copy of the"—

Mr Murphy: She'd be a great Attorney General.

The Chair: Will you let the witness answer, please. She's losing her line of thought there.

Ms Cronk: The minister said she was not a lawyer?

Ms Luu: Yes. I said, "So what do you think you would do, Evelyn?" I was exhausted, you know. I had talked too much. I said, "Okay, so what do you think you would do, Evelyn?" She said: "Well, I don't know. I'm not a lawyer." She said, "Can I have a copy of the"—at that time, she wanted a copy of the court docket and the notice to remove Sharron.

Ms Cronk: Did she give you any indication when you would hear from her?

Ms Luu: Oh, yes. I asked, "So when can I expect to hear from you, Evelyn?" She said, "Two weeks."

Ms Cronk: I'm getting the impression, Ms Luu, that you often asked that at the end of the meetings you had with people. Did you ask the minister that as well?

Ms Luu: Yes. I learned throughout my experience. I always ask, "When can I expect to hear from you?"

Ms Cronk: How did the meeting conclude? How did you feel when you left the meeting?

Ms Luu: I felt very relaxed. Evelyn was very relaxed

too. We chatted on Can Le. What did she say? She said: "You learned a lot, Trinh. You know a lot." I said: "You see, even somebody in the learning process like me would find out about the wrongs. That's why I left for school." I said, "Now that I'm no more a property manager, could you let me serve on the board?" She laughed and she said, "I understand why Can Le didn't want you on the board, Trinh." I said, "He's a dictator." I spoke ill about him, you know, and I expressed my concerns about his control and his dictatorship and his dishonesty, his lies, his coverups, his misleading the project into—

Ms Cronk: You went through your concerns with respect to Dr Can Le.

Ms Luu: Yes.

Ms Cronk: All right. Could I just ask you to step back and to think back about the whole of this meeting, Ms Luu. Would I be correct in suggesting to you that, first, you covered a great deal of ground with the minister at this meeting, you took her through a considerable number of your concerns?

Ms Luu: Yes, as fast as I could.

Ms Cronk: Yes, I have no difficulty believing that.

Ms Luu: I didn't go through all the documents; one, two and three were just the first three. I showed her vital documents like the management plan where Can Le rewrote his rough copy.

Ms Cronk: You took her through a number of documents and a number of your concerns?

Ms Luu: Yes, in the two—

Ms Cronk: In the course of that—perhaps if you could just listen to these questions for a minute.

Ms Luu: Yes.

Ms Cronk: I just want to make sure I understand what occurred at this meeting, all right? By my count, based on your notes, you talked to the minister about at least 10 or 12 different topics, different concerns.

Ms Luu: Yes, I touched on everything I could.

Ms Cronk: You showed her a vast number of documents and explained to her what you thought was important about them. Am I right so far? Is that fair?

Ms Luu: Yes. It's not in the sense that she actually saw anything, you know, but I just had the files with me.

Ms Cronk: You were flipping through it and telling her what you thought was important.

Ms Luu: Yes, and she knows that they were there.

Ms Cronk: All right. And among the topics discussed was the court docket, which you showed her, and the pending charges.

Ms Luu: Yes.

Ms Cronk: In addition, among the topics discussed was the board notice to remove Sharron Pretty and the resolution that was to be dealt with on June 19.

Ms Luu: Yes.

Ms Cronk: And the only two documents that the minister requested a copy of were those two, the notice and the docket?

Ms Luu: Yes. I told her that this board still defies housing rules. I said how a second deep-core vacancy was not reported to OCRHA, and it was just in June, and how those two deep-core vacancies go to both seniors on the centre's list, and how one of them applied from subsidized housing from Montreal and how the board has increased the deep-core vacancies to 61 from the mandatory 53.

Mrs Marland: Was that "from Montreal"? Was that answer "from Montreal"?

Ms Cronk: I didn't hear that.

Ms Luu: I said there were two deep-core vacancies at the time, and this board did not report the second deep-core vacancy to OCRHA, to fill it with OCRHA, the local housing authority list, but they filled them all with two seniors on their list and one senior applied from subsidized housing in Montreal.

Mr Callahan: Can I just get a clarification? I thought I heard that the minister had offered her a seat on a health committee or something. If I'm correct, could you perhaps find out where that occurred within the totality of the conversation? What was it related to?

Mrs Marland: On a point of order, Mr Chairman: I think, in fairness, that Mr Callahan can ask his questions in cross-examination rather than interrupt the flow of Ms Cronk's evidence in chief.

The Chair: I think if you get Hansard you can circle that for a question.

Ms Luu: I can answer that.

Mr Callahan: The witness wants to answer that.

Mr Owens: Can we maybe get an idea from counsel how much more time she expects? I think we're all getting a little bit tense.

Ms Cronk: I just suggested to the Chair that we take a short break. I can tell the committee that obviously it has gone a little slower than I predicted today would be the case, but for entirely understandable reasons. I will be about 10 or 15 minutes more with Ms Luu.

I had indicated to the Chair that I would be in your hands as to whether you wished to sit late tonight. If you wish to do so, I'm prepared to commence with the next witness after your questioning of this witness, but we are behind where one would have hoped to be at this stage.

The Chair: Okay, we'll call for a 10-minute break and we'll discuss it with the subcommittee.

Mr Callahan: I think the witness wanted to answer, though, Mr Chair.

Ms Luu: It was at the end of my briefing and we were relaxing. Beverley just came in and Beverley said something to her and she said, "Oh, Trinh, would you like to sit on that committee?" I can't remember what committee.

Mr Callahan: Did the minister say that?

Ms Luu: Yes.

The Chair: Okay. A recess for 10 minutes.

The committee recessed from 1713 to 1740.

The Chair: The recess being over, we'll start back. Ms Cronk, the witness.

Ms Cronk: Thank you, Mr Chair.

The Chair: Just before you start, we had a subcommittee meeting, and the transcripts—we're going to discuss that tomorrow at our next subcommittee meeting. Okay, Ms Cronk.

Ms Cronk: Thank you. Ms Luu, after your meeting with the minister on June 10, were you again in touch with representatives of the opposition parties?

Ms Luu: Yes.

Ms Cronk: And did you speak again with or communicate again with Mora Thompson?

Ms Luu: Yes.

Ms Cronk: Could I ask you to go to exhibit 1, volume 3, tab 73. This appears to be a memorandum from you to Mora Thompson dated June 11, that is, the day after your meeting with the minister. Is that correct?

Ms Luu: Yes.

Ms Cronk: And did you send this memo to Ms Thompson?

Ms Luu: Yes, I did.

Ms Cronk: And were you reporting to her on what occurred at your meeting with the minister?

Ms Luu: Yes, I did.

Ms Cronk: How is it that you came to do that? Had you been asked to do that or did you just send her this?

Ms Luu: No, because Mora knew about the developments I was having with the ministry, and when I had that meeting with Evelyn, I called Mora and I thanked her. I said, "Well, it was under your pressure that finally I got that meeting, and I said I would let you know what the results are." So this is what I did.

Ms Cronk: And in this memorandum, did you express any view to Ms Thompson or indicate any intention about making the matter more publicly known?

Ms Luu: Yes, because after that meeting I was trying to guess what Evelyn would do. I remember she said she would get back to me in two weeks and I deemed that that was too late. It was June 10 I met with Evelyn, and I reported back to Sharron and to other non-Viet tenants because they knew that Evelyn was meeting with me and they were very disappointed when they heard that, oh, Evelyn would get back to me in two weeks—Sharron would be gone this Sunday. So they said, "We are determined to go ahead with the media," and I had no other choice but to go with them, as I have warned Sue many times before.

Ms Cronk: When you refer to the other non-Vietnamese tenants, are you referring to a Mr Michael Séguin, is it?

Ms Luu: Michael Séguin, Sandy Moreau, Helen Farr, Mary Rose Clancy; one more, Philippe Carrière. Sharron herself. There were just a few non-Viet tenants who were interested in having the situation addressed and who were aware of the problems at the centre, and they already wrote a letter of support for Sharron on June 1. They saw the article and they were interested in having the matter made public. So when I reported back to them that, okay, "I went to see Evelyn and Evelyn said that," then they

were disappointed. They said: "So what shall we do? This is totally oppressive and undemocratic and we should let the media know that our non-Viet representative, Sharron, is going to be removed from the board."

Then on June 13—I don't know whether I submitted—

Ms Cronk: Just before we leave this memo, did you in fact go further in this memo and ask Ms Thompson to have the matter raised in the House?

Ms Luu: Yes, I did.

Ms Cronk: Had you determined then, at that point, to take this matter public in the sense of disclosing it to the media?

Ms Luu: Yes, because we all were determined to—we all decided that we should go public with our story.

Ms Cronk: And by "all," did that include Sharron Pretty?

Ms Luu: Yes.

Ms Cronk: Throughout the memo to Ms Thompson, you refer several times to "we": "We would like you to raise it in the House. In the meantime, we will send you by fax...." "We have no other means to reveal the truth but to make it public." Who is the "we" that you're referring to?

Ms Luu: "We" is me, Sharron and the other non-Viet who co-signed with us on the letter sent to the media dated June 13.

Ms Cronk: If you turn to tab 110 in the same volume, much later on, there's a second memorandum here expressed to be from you again to Mora Thompson. Did you send this memo as well?

Ms Luu: Yes, I did. June 15: Is that the one?

Ms Cronk: June 13, at tab 110. Did you send this memo to Ms Thompson as well?

Ms Luu: Yes.

Ms Cronk: And by it, were you providing her with additional information?

Ms Luu: Yes.

Ms Cronk: And at tab 111 there's a memorandum dated June 15, 1994, again from you to Mora Thompson. Did you send her that memo?

Ms Luu: Yes. As soon as we learned that there was going to be a meeting, that the board was going to have a meeting with Evelyn, because we didn't learn until June 14. When I sent that memo it was June 13 and we were collecting signatures. June 14, Sharron learned from the board that they would hold a meeting to discuss the future meeting with the minister on June 17, and Sharron was still confused because she didn't know what meeting that was. Were they referring to a meeting that they already had with Evelyn or that would be a future meeting or what? We didn't know until June 15. We clarified and we knew that would be the June 17 meeting with the board.

Ms Cronk: And how did you learn that—

Mrs Marland: I'm sorry to interrupt. My tab 111 is not printed at all, so I wondered if anybody had one.

The Chair: Tab 111 is missing?

Ms Cronk: You have no document at 111?

Mrs Marland: It's here, but it's not—

Mr Harnick: It's very faint.

Mrs Marland: We can't read it. Neither Mr Harnick nor I can read it.

The Chair: I'll see about getting another copy made.

Mrs Marland: Thank you.

Mr Callahan: Mine's as clear as a bell.

Ms Cronk: We'll get you replacement pages, Ms Marland.

Ms Luu, just so that I understand, how did you first receive confirmation of the intended meeting on June 17? Ms Moey had told you at the meeting on June 10 that there was going to be a meeting with the minister.

Ms Luu: Yes.

Ms Cronk: When did you receive confirmation that it was to be held on June 17?

Ms Luu: I didn't receive that. Sharron did.

Ms Cronk: So when you told me a moment ago that Ms Pretty learned of it on June 14, I take it that's what she told you?

Ms Luu: Yes, she told me and she showed me the document.

Ms Cronk: What document?

Ms Luu: The board's notice for a meeting called on June 15. The board said that the meeting was to discuss the summons received by board directors and the meeting with the minister on June—no, they didn't say on June 17—the meeting with the minister. That's why we didn't know what that meeting was for and when that was for.

Ms Cronk: And when you say in the second sentence of the first paragraph, "It is understood this will include Sharron," I take it that "this" refers to the June 17 meeting?

Ms Luu: Yes, we assumed so because nobody said anything. I said, "Nobody said anything, so I think, Sharron, you could go."

Ms Cronk: So was that an assumption you were making?

Ms Luu: Yes.

Ms Cronk: Had Ms Pretty received a notice from the board of the intended meeting with the minister?

Ms Luu: Yes, she did.

Ms Cronk: To your knowledge, had she been contacted by anyone from the minister's constituency office to confirm the meeting?

Ms Luu: No. On June 14 she received the notice from the board first and she called me and she said: "Trinh, what do they say here? I don't understand. What meeting was that? They already had the meeting with Evelyn, or they were referring to a future meeting?" I said: "I don't know. Call the board president and ask." So she called Hieu Truong, the secretary. She inquired with him, and he said, "Oh, didn't you receive the notice by Bill Clement?" She said, "No, I didn't get that." So she went down to the office and Hieu Truong provided her with the notice, a letter by Bill Clement to the board. I don't know where that is.

Ms Cronk: Informing them of the meeting with the minister?

Ms Luu: That's true.

1750

Ms Cronk: There's a letter dated June 9, 1994, from Mr Clement to the president of the board, Dr Hieu Truong, informing Dr Truong of the meeting. Is it that letter you're referring to?

Ms Luu: Yes.

Ms Cronk: Could you look at tab 68, please? Same volume. Sorry, I said it was to Dr Hieu Truong; it's to Dr Vinh Tang.

Ms Luu: Yes.

Ms Cronk: Dated June 9. Is this the letter you were referring to?

Ms Luu: Yes.

Ms Cronk: Did Sharron Pretty know of your memos to Mora Thompson?

Ms Luu: Yes. I told her of what I did.

Ms Cronk: And did she share the view at that point, as you understood it, that the matter should be taken to the media?

Ms Luu: Yes. We were all determined to go public.

Ms Cronk: And in this memo of June 15 to Mora Thompson, found at tab 111, you proposed quite directly that the matter be raised in the House on June 20, that is, the Monday after the meeting with the minister?

Ms Luu: Yes, because Mora talked to me previously and she said that I did tell Marc that if no action was taken, we would raise it in the House. So he was aware that this is quite serious. So I kept Mora informed of the progress I had with the ministry, and when I learned that it would be another two weeks before I knew whether Evelyn would take any action or not, I was disappointed. I told Mora and she said, "Okay, we can raise that in the House." I said, "Okay, if you do that, let me have some time to compile my brief, because I don't want to splash it in the public with that one," you know, without me being prepared, without us being fully prepared to go to the public.

Ms Cronk: During the period June 10, that is, after your meeting with the minister, Ms Luu, up until June 17, when the meeting was held by the minister with the board, did you personally have any contact with any member of the minister's staff in Toronto or Ottawa?

Ms Luu: No.

Ms Cronk: Did you have any contact with any representative of the Ministry of Housing during that seven-day period?

Ms Luu: No.

Ms Cronk: Or with the minister herself?

Ms Luu: No.

Ms Cronk: To your knowledge, did Sharron Pretty?

Ms Luu: Sharron? No.

Ms Cronk: In so far as you are aware, was the minister's staff in Toronto or Ottawa informed at any point prior to the meeting on June 17 of the decision

which had been reached to take the matter public in the sense of going to the media?

Ms Luu: I'm sorry. Could you say it again?

Ms Cronk: Yes. Did you tell her? To the best of your knowledge, did you or Sharron Pretty inform the minister's staff?

Ms Luu: No, not at all. There was no use in informing them of our final action, because they knew that. We already warned them.

Ms Cronk: And in respect of the June 17 meeting itself, you told me earlier today that you of course were not at it. You didn't attend it personally?

Ms Luu: No, I did not.

Ms Cronk: Did Sharron Pretty in the end attend?

Ms Luu: Yes.

Ms Cronk: And did you accompany Ms Pretty to the place of the meeting?

Ms Luu: Yes, because it said that it would be a half an hour meeting, and I said, "Okay, it's only half an hour, so I can wait for you outside."

Ms Cronk: And did you do that?

Ms Luu: Yes, because she didn't know the place, and I went there for my interview in December. I knew the place, so I showed her around. I was waiting for her in the mall.

Ms Cronk: Did you help her to prepare for the meeting in any way?

Ms Luu: No, because we didn't know what the purpose of the meeting was. I just said, "Bring your brief of denial of access with you, Sharron," because we saw that in the board's notice. They said they were going to have a meeting on June 15 to discuss the summons received by board members. So I said, "I don't know what they are going to discuss, but bring that with you, Sharron." So she just brought the brief of denial of access to information with her.

Ms Cronk: And did you meet with her at the conclusion of the meeting?

Ms Luu: Yes, I did.

Ms Cronk: Should the committee conclude from that, Ms Luu, that your knowledge of what occurred at the meeting of June 17 is based on what Ms Pretty told you?

Ms Luu: Yes.

Ms Cronk: You have no firsthand knowledge of that.

Ms Luu: No.

Ms Cronk: Could I ask you to look at tab 86 of volume 3? Do you have that?

Ms Luu: Yes. Sharron's press release.

Ms Cronk: This is a statement or a document which I anticipate the committee will be told was authored by Sharron Pretty. Did you help her prepare it?

Ms Luu: No.

Ms Cronk: Did you review it with her when she was preparing it?

Ms Luu: No.

Ms Cronk: Did you discuss it with her in any way after its preparation?

Ms Luu: No. Oh, yes, after, yes, because she showed me afterwards.

Ms Cronk: It appears to have been sent to Peter Farley, Mike Harris's press secretary.

Ms Luu: Yes.

Ms Cronk: Did you review it with her before it was sent to Peter Farley?

Mrs Marland: Varley with a V.

Ms Cronk: Thank you. Did you review it with Ms Pretty before it was sent?

Ms Luu: She read it to me on the phone, and at that time we were under pressure and I said "Okay, if that is the truth, that is what happened at the meeting, so you just wrote it down because I knew no better than you did." I didn't know about what happened so she just read it, and I said, "Okay, that's sounds fine."

Ms Cronk: Did you discuss with her on the phone what should be in it?

Ms Luu: No.

Ms Cronk: Could I ask you to look at tab 98?

Mr McKinnon: I think it's also at 87, Eleanore.

Ms Cronk: Is it?

Mr McKinnon: Yeah, right after the one you're looking at.

Ms Cronk: Well, we're missing some and we've got surplus of others.

Over on tab 98, this is a second document, Ms Luu, which I understand has been authored by Ms Pretty dated June 23, 1994, addressed to—I take it it should be Mr Peter Varley. Did you help Ms Pretty prepare this document?

Ms Luu: Yes, in putting the chronological account with her, because I have a fax machine at home, and she said, "I should come to your place." She called me and she said, "I should write another statement, Trinh, because I saw what happened in the House today and there is a need for me to provide more accurate and truthful information." She said, "I need to fax it," and I said, "So why don't you come to our place," because it was late in the night. So she came to my place and she said, "I wanted to provide more information and I have the documents with me." I helped her reconstruct with a chronological account. But anything that is related to what was said during the meeting was totally from Sharron because I had no knowledge whatsoever of what was said.

Ms Cronk: Had it been suggested to you at some point that you personally would meet further with the minister that morning on June 17 before the meeting with the board?

Ms Luu: No. I understand that's it. I got the meeting with her. She has seen my evidence and my role is finished, is over.

Ms Cronk: Could I ask you to look at tab 85? These are handwritten notes. Have you seen these notes before?

Ms Luu: Yes. She showed it to me.

Ms Cronk: I anticipate that the committee will hear that these notes were prepared by Sharron Pretty in part

during the course of the meeting on June 17 and in part at a later time. Were you with Sharron Pretty when she prepared any part of these notes?

Ms Luu: No. I was with her when she came out of the meeting and we had lunch for roughly an hour or so, and I said: "Did you take notes, Sharron? So what happened?" She said: "Oh, it's very disappointing. Everybody from Evelyn to the board, they all begged me to drop the charges." I said, "Did you take any notes?" She said yes and she showed me this page. I said, "It's important, so you have to rewrite what happened at the meeting," because she said, "This is all I could take at the time, because I wasn't talking, I was listening, and it was Evelyn and other people who said, so I could take them. But when I was talking and I was interacting with other people, I couldn't take any notes." I said, "So you have to take those notes too."

Ms Cronk: When you say that she showed you the notes, how many pages of notes did she have at lunch?

Ms Luu: Just the first page.

Ms Cronk: And did you discuss with her what she should put in the balance of her notes?

Ms Luu: No, I did not. She recounted to me who said what. I said: "Oh, you said that? You should take it down. Put that in writing. Take notes on that."

1800

Ms Cronk: Did she show you the balance of the notes after they'd been prepared?

Ms Luu: I can't remember. Yes, some time afterwards, because right after that we were interviewed by reporters; yes, on Sunday, I think.

Ms Cronk: Did you in fact see reporters on that day, that is, June 17, the day of the meeting?

Ms Luu: No, we talked to reporters after the meeting, but we didn't see anyone on that day.

Ms Cronk: Did you personally talk to any reporters that day?

Ms Luu: Yes, when Pat Dare called Sharron and he called me.

Ms Cronk: Mr Patrick Dare?

Ms Luu: Yes.

Ms Cronk: Did you speak with Mr James Wallace that day?

Ms Luu: No.

Ms Cronk: To your knowledge, did Sharron Pretty?

Ms Luu: My knowledge of—

Ms Cronk: To your knowledge, did Ms Sharron Pretty speak with James Wallace that day, June 17?

Ms Luu: Sharron Pretty? No.

Ms Cronk: Could I ask you to turn, please, to tab 88. This appears to be a fax, Ms Luu, from you to Mr Wallace dated June 17.

Ms Luu: Yes.

Ms Cronk: Did you send it to him on that date?

Ms Luu: Yes.

Ms Cronk: Did you do that on your own initiative or had you been in touch with Mr Wallace?

Ms Luu: I did it on my own initiative because since the June 1 article we were so happy we said, "Oh, at least somebody has listened to us." So we said, "Okay, Mr Wallace seems interested in our story, so let's keep him informed of what happened."

I talked to him on June 3. June 2 we had the court date and we went there and we were very disappointed because nobody showed up; we learned afterwards that was because none of the defendants had been served notice. I called the crown's office and I couldn't reach anyone. Sharron suggested: "Call James. Maybe James can put in a word and they would get back to you."

So I called James on June 3 and I explained to him: "I have a problem here. There was a court date but nobody showed up and nobody could provide me information." James said, "Let me call their boss and see if anybody is around to answer you." Then he inquired about the problems. I said I made a commitment with the ministry—no, the ministry made a commitment to meet with me, because that was on June 3 and I talked to Marc Collins on June 2. And I said, "I can't say anything to you right now because I made that commitment with Marc Collins."

Ms Cronk: Did you speak, Ms Luu, to Mr Wallace between June 10 and June 17, before you sent this?

Ms Luu: No, no. I just spoke to him—let me remember—on June 3 and it was when I sought his assistance to get in touch with one of the crown counsel to inquire about the absence of the defendants at the June 2 court hearing. He started to inquire about the problems, and I said I had a commitment so I couldn't say anything.

Ms Cronk: From the period June 10 to June 17?

Ms Luu: Yes, I did.

Ms Cronk: Did you speak with him?

Ms Luu: Yes, because he knew that I might inform him of the meeting I was going to have with Evelyn. He said, "Could you let me know of the results?" I said, "Sure, I will let you know."

Ms Cronk: Did you speak with him after that meeting and inform him at any point of a board meeting with Evelyn Gigantes?

Ms Luu: I did not speak, but I faxed those memos to him right after the June 10 meeting I had with Evelyn. I faxed to him and I said, "This is the result of the meeting I had." I think I faxed the same contents as I did to Mora.

Ms Cronk: You faxed to Mr Wallace a copy of your memos to Mora Thompson?

Ms Luu: Yes, I just changed their names and I just faxed it over.

Ms Cronk: That would be your memo of—there were three. Which of those did you send to Mr Wallace? There was one of June 11, one of June 13 and one of June 15. We've looked at all three of them.

Ms Luu: Okay. I sent to him right after the two meetings, so it would be June 11, after the meeting of June 10—June 11 or June 13—and the one right on June 17. This is the one.

Ms Cronk: Let's see. This memo refers, in the first

paragraph, Ms Luu, to the one-and-a-half-hour meeting between Ms Gigantes and the board and it makes a comment about it. If you had not spoken with Mr Wallace between June 10 and June 17, how did you know he knew about that meeting?

Ms Luu: I did speak to him, maybe; I can't remember, but I informed him of the meeting, either by fax or by phone.

Ms Cronk: Do you remember speaking to him, one way or the other?

Ms Luu: That might be likely.

Ms Cronk: I'm sorry, are you reconstructing now or do you remember whether you spoke to him?

Ms Luu: I can't remember, because during that period we had so many new events and we were busy collecting information and pondering our next move, what would we do, you know. But I must have talked to him or I must have faxed to him, because I didn't keep track of my memos to him after June 10. Between June 10 and June 17 I didn't remember how many memos I faxed to James, but I'm sure that right after the two meetings I faxed to him.

Ms Cronk: And you sent him a copy of the memo that you sent to Mora Thompson.

Ms Luu: Yes.

Ms Cronk: The first paragraph of your memo to him of June 17 is a discussion of what occurred that very day at the meeting with the minister. Is that correct?

Ms Luu: Yes.

Ms Cronk: Would it be fair to suggest to you that all of what you've said with respect to that meeting in this memo to James Wallace was based on what you'd been told by Sharron Pretty?

Ms Luu: That's true.

Ms Cronk: You had no personal knowledge of any kind as to what was or was not said or what did or did not occur at that meeting?

Ms Luu: No.

Ms Cronk: At what time of day did you send this to Mr Wallace?

Ms Luu: Send what? Send which one?

Ms Cronk: I'm sorry?

Ms Luu: Send which memo?

Ms Cronk: The June 17 memo that we're looking at.

Ms Luu: Oh, right on Friday afternoon, because the meeting concluded at 1:30. I had lunch with Sharron, so it must be before 4.

Ms Cronk: I take it then, Ms Luu, because you were not at the meeting of June 17 yourself, that you're not personally, of your own knowledge, in a position to confirm the accuracy or the inaccuracy of the information which you provided to Mr Wallace in this paragraph.

Ms Luu: No, I got it from Sharron and I just relayed what Sharron said to me to James.

Ms Cronk: You also sent a copy of this memo to Mora Thompson, I take it, from the handwritten note on the bottom.

Ms Luu: Yes.

Ms Cronk: Did you indicate to either Mora Thompson or Mr Wallace when you sent this fax to them that you had not been at the meeting with the minister or that your information was based on what Ms Pretty told you?

Ms Luu: They knew that I wasn't at the meeting.

Ms Cronk: You told them that?

Ms Luu: Yes, because they knew that I had my meeting with Evelyn on June 10, and this is the meeting with the board, so I was not in the picture.

Ms Cronk: Did you also speak in the days following the meeting again with Ms Thompson?

Ms Luu: In the day following the meeting?

Ms Cronk: Sorry, in the days following the meeting.

Ms Luu: Oh, in the days following the meeting. Yes, because of the news articles. I said, "Oh, so we are in the news again." I found that exciting and I sent the clippings to her, because it came from the Ottawa Citizen and I knew that she didn't have that over here.

Ms Cronk: Could I ask you to turn to tab 101, please. It's the same volume, volume 3, tab 101. Do you have that? It's tab 101 of volume 3, same volume. This is a memorandum dated July 10, 1994, to Dave Rider.

Ms Luu: July 10? I don't have it here.

Ms Cronk: Are you in volume 3 of exhibit 1?

Ms Luu: Yes.

Ms Cronk: This is a memorandum dated, at least in my copy of the exhibit, July 10 to Dave Rider of the Ottawa Sun. It appears to be from you.

Ms Luu: Yes.

Ms Cronk: Did you send Mr Rider this?

Ms Luu: Did I send this to him? Yes.

1810

Ms Cronk: Did you continue then to remain in touch with the media about these matters at various times after the meeting on June 17?

Ms Luu: Yes, because Dave Rider expressed concerns in learning more about the problems here and he took the time to listen to me. So I said, "If you listen to me, I can provide you with all the evidence, and based on that evidence you would know that we were speaking the truth and we were not afraid to go public, and you can publish our story."

Ms Cronk: Did you also on June 19, Ms Luu, attend a meeting together with Ms Pretty at the Van Lang Centre?

Ms Luu: Yes.

Ms Cronk: Was that the meeting that originally had been scheduled to deal with the issue of her removal as a director?

Ms Luu: Yes. It wasn't a meeting, because it was Sunday. Sunday morning Pat Dare called again and asked Sharron whether there would be a meeting proceeding with her removal in the afternoon and she said, "I don't know," and she said, "Okay, I would ask Vinh Tang," so she called the board president, Vinh Tang. She inquired

about that and she said: "Anyway, Pat Dare and Dave Rider will be here and, Trinh, you have to go public now. We all go public, so I need you there. You should come too." So I went there.

Ms Cronk: Was there any meeting of any kind at which the issue of Ms Pretty's directorship was dealt with?

Ms Luu: No, there was no meeting. We were in the meeting room and Dave and Pat were there and they talked to Michael Séguin, to Sharron, to me. The office assistant was in her office and Pat inquired with her whether the board was coming or not. She said, "Yes, they are," but finally we waited, let's say, from 2 to 3:30, something, and then Dr Hieu Truong showed up.

Ms Cronk: Could I ask you to look, if you would, please, at tab 93. Did you send this memorandum to Mora Thompson on June 19?

Ms Luu: Yes, and to James Wallace too.

Ms Cronk: In this memorandum are you describing what occurred at the June 19 meeting at the Van Lang Centre?

Ms Luu: Yes, I did.

Ms Cronk: With Dr Truong?

Ms Luu: Yes.

Ms Cronk: Does it accurately record, to the best of your recollection, what he said at that meeting?

Ms Luu: Yes. Michael Séguin was there, Sharron was there, Dave and Pat Dare were there. When he showed up, Pat showed him the notice to remove Sharron and Pat said: "I'm here because of that. So what happened? What is going to happen?" Dr Hieu Truong turned to Sharron and said: "I understand that at the meeting with the minister there was an agreement that you drop the charges and we would postpone the notice to remove you, we would postpone the meeting to remove you." Sharron said, "No, I had not agreed to that," and only then did I learn from Hieu Truong that he said that there was such an agreement and I was shocked. That's why I reported here that he said that there was an agreement and I put three points of exclamation after that.

Ms Cronk: Who was present, as you recall it, when Dr Truong made that remark?

Ms Luu: Michael Séguin, Sharron, Dave Rider, Pat Dare, me and Sharron.

Ms Cronk: You've said earlier that there had been a discussion with Mr Dare on June 17, the day of the meeting. Do you recall that?

Ms Luu: Yes. Right up to the meeting when we came back around 3, 3:30, Pat called Sharron first and then Sharron must have given him my number, so he called me too.

Ms Cronk: Were you present when Ms Pretty spoke with him?

Ms Luu: No, we were at our own places.

Ms Cronk: So you don't know what she did or didn't tell him?

Ms Luu: No.

Ms Cronk: Ms Luu, you'll be glad to know those are

my questions. Thank you very much.

Ms Luu: Thank you.

The Chair: Do we want to start rotation now or take a short break?

Mr Callahan: No, start the rotation.

The Chair: Okay. Mr Callahan, you're up first.

Mr Callahan: What I found very interesting was tab 93. Patrick Dare is a reporter with the Ottawa Citizen?

Ms Luu: Yes.

Mr Callahan: And you're telling us that in the presence of Pat Dare, Dave Rider and Michael Séguin, "We confronted him with a lot of uneasy questions." That's what you're saying. "He said, to his understanding, there was an agreement at the meeting with Evelyn on Friday, June 17...that they would postpone the decision to remove Sharron in exchange for her dropping the charges." Is that precisely what was said?

Ms Luu: Yes.

Mr Callahan: I'd like to take you to tab 71 and I'd like you to look at the court docket list. Maybe because the counsel prepared or arranged to prepare these documents, can someone tell me whether the words, "Call Jeanne" and it looks like "227-1150" mean anything to anybody?

Ms Luu: I can explain that.

Ms Cronk: You can or cannot?

Ms Luu: I can.

Ms Cronk: Apparently it does to the witness.

Mr Callahan: What was that?

Ms Luu: It was June 2 and it was the first appearance and nobody showed up. We were very disappointed because we were expecting—we didn't know, so we thought, "Oh, the board might be there." We didn't see anyone, so on June 3—oh, no, right after the hearing where nobody showed up, I went to see the JP counter and I inquired. I said, "How come that nobody showed up?" So they gave me the number of Jeanne, you know, the court administrator, and Jeanne said, "I will find out and I will let you know tomorrow."

Mr Callahan: So I take it that on the date that they were scheduled for court, which was the first date up, they didn't show up.

Ms Luu: No.

Mr Callahan: Also, I notice that—

Ms Cronk: Sorry to interrupt, Mr Callahan. Just to assist you, Mr Callahan, you may wish to clarify. I don't know whether there's any evidence yet before you as to whether they had been served by that date.

Mr Callahan: In any event, I think it still remains they didn't show up, whether they were served or not. We can get at that, I guess, later on.

I'd like to also go to tab 85. How much of those notes at tab 85 were made up in your presence, if you look at the two pages of handwritten notes?

Ms Luu: None was made in my presence.

Mr Callahan: I thought you said part of it was, that Sharron had—

Ms Luu: No. The first page was made by Sharron during the meeting. I was not at the meeting, so I didn't know of them. And the second part of this second page was made the next day, on Saturday.

Mr Callahan: Were you present when that was made?

Ms Luu: No. She showed me on Sunday.

Mr Callahan: So you weren't present for the making of any of those notes?

Ms Luu: No.

Mr Callahan: Just one more and then I'll yield to my friends. The item that you sent to James Wallace, which was from you, you've indicated was made up very shortly after the meeting that Ms Pretty attended. Is that right?

Ms Luu: Yes.

Mr Callahan: Did you and she discuss this or did you just simply write down what she told you specifically about the words "All beg Sharron to drop the charges"?

Ms Luu: That's what my impression—that's what she said to me right after the meeting.

Mr Callahan: Finally, when you were offered the job at the end of the June 10 meeting, as you were relaxing, a job on the health board, how did that come up? Was that just sort of a gratuitous throwaway by the minister?

Ms Luu: Well, I think that was casual chatting, you know, between me and the minister. It has no relevant importance at all.

Mr Callahan: We'll have to decide that, I suppose, but how did it come up? Did you ask her for a job?

Ms Luu: No.

Mr Callahan: Or did she just offer you a job?

Ms Luu: No. I guess that was brought up, because she said, "Trinh, you learned a lot." She seemed really amazed at my knowledge of housing projects. I think it might strike her mind at that time that maybe Trinh would be active sitting on a volunteer board or something like that, because she said, "Oh, I understand why Can Le didn't want you on the board, Trinh." So that was casual chatting. It was not a job. I thought it was a volunteer—you know.

1820

Mr Callahan: But you didn't ask for it, she volunteered it.

Ms Luu: No, and I didn't see anything irregular about that.

Mr Callahan: Did you ask for it, is what I'm asking you. Did you ask for it, or was it volunteered by the minister?

Ms Luu: No, I did not.

Mr Callahan: You didn't ask for it, it was volunteered by the minister. Is that what you're saying to me?

Ms Luu: No, I didn't ask for any volunteer job. I was there. My purpose was to talk about the evidence.

Mr Callahan: Okay. I'll yield to my friend.

The Chair: Mr Chiarelli.

Mr Chiarelli: Ms Luu, as you're probably aware, this is a very important matter for a lot of people and, as

counsel indicated, there are probably some very serious questions of credibility of witnesses. I'm sure that you're aware by now that some people might look very unfavourably at the fact that you taped a number of telephone conversations without telling the people at the other end of the phone that in fact they were being taped. Could you tell the committee why you feel there was nothing wrong by doing that?

Ms Luu: I have never learned that you should tell somebody that you are taping them during a private conversation. I didn't know that it was wrong, and I did it for my own information and I did it for my own reference and I did it with the intention to keep track of an accurate and truthful account of what happened, because I have experiences with people that I talked to who changed their stories afterwards. I didn't want that to happen, and if that happened, I could, you know, relisten to my tapes and analyse things and see why they did that or, you know, what did I say and what they say? So I didn't see anything wrong at all, and I did not have any intention to use it in a public inquiry like that.

Mr Chiarelli: Is that also why you kept very detailed notes of all your meetings and conversations with various people from time to time and—

Ms Luu: Yes, because when we realized that this is serious—there are serious, pervasive problems plaguing the centre for two years, and I was the first one who succeeded to establish the link between the problems in management with the racially discriminatory tenant selection process. With the evidence I gathered so far I can establish the link between all the wrongs, all the problems at the centre with a certain individual, and I want to expose that. I want the board to know how wrong things are, and I can only do that with evidence. If I can't come up with evidence, how can I say: "Can Le, you did things wrong. You did that or that"?

Mr Chiarelli: Again, in the notes that Mora Thompson took down after discussing these issues with you, you indicated here, and I think I'm quoting, "Gave minister a year to rectify situation before went to court" and "If solve internally, charges can be withdrawn."

These are notes, and you indicated that you agreed that you made the statement about withdrawing the charges. Did you see the laying the charges and your involvement in that as a lever to get the ministry to respond, or did you basically give up at that point, in your own mind, on getting any substantive responsibility back from the minister or response back from the ministry?

Ms Luu: I won't look at it as a lever to pressure the ministry to take any action at all, but I look at it as extra options that are available to me and Sharron to have the problems rectified. We know that the denial of access to information is not right, and that issue can only be addressed by the crown, because the ministry refused to intervene and they might have legal grounds. They don't have any legal obligations to do so, so they can refuse that.

Mr Chiarelli: If I can change subject slightly, on June 2 you had a telephone conversation with Marc Collins, the minister's policy adviser, and you stated that he said it would be very awkward and, you suggested,

impropriety on the part of the minister to meet with anybody where these Corporations Act charges would or could be discussed. You went on to say then that he set up a meeting, or helped set up a meeting, with the minister and one of the minister's assistants to get a briefing from you on these very charges.

Did you not think there was anything inconsistent with, on the one hand, Marc Collins saying it's improper for the minister to deal with these issues or talk to anybody about it while there are charges pending, and then on the other hand setting up a meeting at which she would be exposed to court dockets and all kinds of information and background concerning the court case?

Ms Luu: Yes, I found it very inconsistent. That's why I—that is my purpose when I tape conversations I had with the ministry staff because I want to relisten to it and see what they said, and when I transcribed—I made a transcript of that phone conversation—I marked off the passages that I found inconsistent. I made my own notes on the transcript.

Mr Chiarelli: In any discussions with any staff at the constituency office or in the ministry, were there any comments made to you about the directors who had been charged under the Corporations Act?

Ms Luu: Any comments on the directors?

Mr Chiarelli: In other words, had anybody in the constituency office received phone calls of complaint about the charges having been laid or about to be laid? Did you get any feedback from the constituency office that the directors were concerned?

Ms Luu: No, I don't know. If there was any, not of my knowledge; I don't know.

Mr Chiarelli: I don't have an awful lot of time left, but I do want to address one item more generally because I don't have the time to go into the specifics.

When you look at the selected statement of facts on page 12, paragraphs 43 and 44, it indicates that on April 25, 1994, Ms Pretty swore a number of informations under the Provincial Offences Act, and 44 says, "On or about the same time Ms Trinh Luu swore an information under the Provincial Offences Act."

We heard you give evidence that in late February, March and into April, you had no expectation of a meeting with the minister or anything substantive happening in terms of a solution. Would you say that the ministry became more responsive and action-oriented after the informations were sworn by Sharron Pretty and after they became aware that charges had been laid? Did the ministry staff and the constituency staff become more responsive, ie, Marc Collins or anybody else?

Ms Luu: Yes, I would think so, because the first time they heard about the court charges, about the legal action, was from me when I talked to Audrey Moey on April 28. Audrey was really, really concerned, and just a couple of days later, May 3, Karen Ridley called Sharron and asked Sharron to call, to feel free to contact her if Sharron has more concerns. So I can assume that maybe because of the court charges, the legal action, the ministry has become aware of the gravity of the situation.

Mr Chiarelli: So you received information from three

people on staff, Marc Collins, Sue Lott and Audrey Moey, that there was concern about the minister dealing with any matters while the court cases were pending? That was your impression as well?

Ms Luu: Not with Audrey; with Sue and with Marc. We learned from Sue on May 19 that because of the court case the minister couldn't talk to Sharron, and I learned from Marc on June 2 that it would put Evelyn in an awkward position to talk to anyone about anything related to that project.

Mr Chiarelli: Thank you. I'll pass the mike over to Mr Murphy.

1830

Mr Murphy: If I can, I'm going to just put a few conclusions that I've reached to you and see if you'll agree with them or not.

My sense is that you have quite good relationships, and probably would call yourself a friend, with Audrey Moey, Sue Lott and perhaps even Bev Bell. I think you went to Audrey Moey's baby shower, right?

Ms Luu: Yes. Yes, Audrey and Sue and me, we were pretty close.

Mr Murphy: And did that continue up until recently, or does it still continue?

Ms Luu: I don't know. I haven't heard anything from them since all this incident, but I do believe that we are still friends because they were very supportive of my efforts. They listened to me and they did a good follow-up and I understand that they are just Evelyn's constituency staff, so they have no direct commitment nor authority over the problems at the project.

Mr Murphy: And my sense from what you've been telling us is that Audrey Moey and Sue Lott, and perhaps Beverley Bell, were sympathetic to you and to Sharron Pretty's concerns and that the ministry officials in the Ottawa area, in any event, were more sympathetic with the other views expressed by the balance of the board at the Van Lang Centre. Would that be fair?

Ms Luu: I am sure of what Sue, Audrey or Beverley might be thinking about Sharron's and my own efforts, but I'm not sure what the rest of the people think of the board because I have no direct contact with them. I don't know.

Mr Murphy: And is your sense that of the people you know, the three you mentioned, that they are sympathetic, they were sympathetic to your views?

Ms Luu: Yes. They try everything they could.

Mr Murphy: Right. And they were arguing with the minister's office here in Toronto and the ministry to get your views expressed? Was that your sense?

Ms Luu: Yes.

Mr Murphy: By June 10 of this year, is there any doubt in your mind that Audrey Moey, Sue Lott, Beverley Bell, ministry officials, Marc Collins or the minister herself have any doubt that there are charges pending under the Corporations Act that are not civil, that they're fully aware of the fact that those are out there and are pending between members of the board; and secondly, if I can put so long a question, that they at that point

understand that that creates a problem for the involvement by the minister in the issue? Is that fair, by June 10 that all of those people have that understanding?

Ms Luu: Yes. Yes, I would think so.

Mr Murphy: And that's, obviously, as far as you know.

Ms Luu: June 10?

Mr Murphy: Yes, as far as you're aware. I mean, your understanding of events leading up to that point is that they are all aware (a) that there are charges—by June 10, that there are charges that are not civil in nature. Correct?

Ms Luu: Mm-hmm.

Mr Murphy: And that they are aware that there are now difficulties involved—

Ms Luu: And they saw the evidence.

Mr Murphy: —with the minister's involvement because of those charges.

Ms Luu: Yes.

Mr Murphy: And yet, none the less, there is a meeting involving those very parties which the minister attends on June 17.

Ms Luu: Mm-hmm.

Mr Murphy: Thank you. Those are my questions. I appreciate the time.

The Chair: Mrs Marland.

Mrs Marland: Thank you, Mr Chair. Is it 20 minutes?

The Chair: Yes.

Mrs Marland: Ms Luu, I described you earlier today in my opening statement as being strong, intelligent, courageous and tenacious.

Ms Luu: Thank you.

Mrs Marland: And I also asked you earlier today if you would mind if I asked you a couple of questions about your background, because I think it's important for this committee to understand what your background is and where you were coming from. It is fair to describe, as you have to me personally, that you are a Vietnamese boat person?

Ms Luu: Yes, I was.

Mrs Marland: And how long have you been here now?

Ms Luu: It would be six years in October.

Mrs Marland: So what you endured to get to your chosen country probably has in turn given you some of the strengths that you now have in terms of being courageous and strong and tenacious.

Ms Luu: Yes, I guess so.

Mrs Marland: And you obviously were born with intelligence.

Ms Luu: Thank you.

Mrs Marland: What I'm wondering is, you had an experience when you were an employee of the Van Lang Centre, and then after that experience you changed careers. In fact, you went into law. Does that have anything to do with the kind of country you came from?

and the kind of experience you had as an employee at the Van Lang Centre, that you chose law?

Ms Luu: Yes, a lot, because I came from Communist Vietnam, a country where there is no law at all. Former lawyers just go unemployed. As far as I understand, there is still no establishment of a legal system or any academic subjects such as law being taught in universities. When I came here I was amazed by the democratic principles that prevail in western societies, and when I was employed there I was shocked when I realized that these are people who came here at the age of 19, as students, who spent their whole productive years here and who—

Mrs Marland: I don't want to interrupt you more than I have to, but we're desperate because we only have 20 minutes.

Ms Luu: Yes. I might be digressing.

Mrs Marland: The fact that you were employed by a Vietnamese organization and you saw things in that organization that were wrong, did that upset you very much because you're very proud of being Vietnamese, you're very proud of the Vietnamese community in Ottawa and you saw something that was very wrong and you wanted to correct it? Would it be fair to say that is true?

Ms Luu: Yes.

Mrs Marland: Is it also fair to say that you did really see Ms Gigantes socially? First of all, you went for an interview for a job in her office. Maybe you didn't see her at that time—

Ms Luu: No.

Mrs Marland: —but you saw her at showers in her staff's home; you went for lunch with her staff.

Ms Luu: Mm-hmm.

Mrs Marland: Would there be any doubt at all that Ms Gigantes would know who Trinh Luu was?

Ms Luu: I don't understand your question.

Mrs Marland: If Ms Gigantes had a request from her staff for a meeting with a Ms Trinh Luu, there wouldn't be any doubt that Ms Gigantes would know who you are.

Ms Luu: No.

Mrs Marland: She had mixed with you socially. You mentioned another time where there was a launch for an NDP candidate's political campaign.

Ms Luu: Yes.

Mrs Marland: Did you feel that—well, first of all, Ms Gigantes is your own MPP. Correct?

Ms Luu: Yes.

Mrs Marland: If you had to go for help to your own MPP—it happened to be that she was also the minister, but do you feel that the minister dealt fairly with you when you asked for eight months for a meeting? Were you satisfied with how the minister dealt with the grave and serious problems by just referring the staff, as a solution, to those grave and serious problems?

Ms Luu: No, I'm not. I'm not satisfied. That's why I kept wondering why Evelyn didn't answer me. When I got her letter dated December 6, I was very relieved. As

I said earlier, I just sat back and waited for the compliance review and waited to hear from her, but when I realized that it might not come from Evelyn I still thought like that. I said, "Maybe it's because of her staff; her people didn't want her to get involved and she listened to her people." And here the simple solution is that I'm here and I offered her my story but she didn't take a look at my story. She didn't show any interest in seeing the evidence.

For a minister I think that is very important, because here you have a plain citizen and on top of that somebody you know, somebody you know that has integrity. She said to Sharron in the meeting of June 17, when the board started to discredit me: "Trinh has a lot of integrity. She is very intelligent and she has a lot of documents. She gathered a lot of documents and I have seen them." So I gather from that that we still think highly of each other. But if I have to judge Evelyn in her capacity as minister, I must say that I was very disappointed because, given the friendship and the knowledge we had of each other before, given the closeness with her—

Mrs Marland: The kind of relationship that you had with Evelyn Gigantes was more than the average Ontario citizen with their MPP in terms of the fact that you did socialize together.

Ms Luu: Yes, I would say so. Yes.

1840

Mrs Marland: There was some reference this afternoon about a concern about a backlash on the Vietnamese community. When some of the evidence was brought out earlier today, you were talking about the concerns that in fact what was going on at the Van Lang Centre, while it was opposite to the policies of the Minister of Housing's ministry itself, was also of concern to you because you saw it as a form of reverse racism.

Ms Luu: Mm-hmm.

Mrs Marland: How do you feel the Vietnamese community reacts today in Ottawa to what's going on with the Van Lang Centre? Do you think that you see support for Dr Can D. Le or do you think that the Vietnamese community now understands what it is you were trying to do and why it is that you never gave up?

Ms Luu: I'll pick up the last part of your question. I feel very pleased that now everything is in the open, is made public, members of my community now understand what the objectives of the project are, and their attitude and their response is very cautious. They listen, they must be watching the news, and they make their own judgement. I have a lot of support from certain individuals who hold very influential positions in the community as well.

Mrs Marland: I want to give some time to my colleague Mr Harnick, but I want to just confirm one other question. This very important meeting on October 28, 1993, where you and Sharron met with Sue Lott in the constituency office, you have described that the door was open to an office next door and that someone was smoking in that room but during your meeting with Sue Lott that you didn't realize who was in that next room. We all know that Ms Gigantes smokes, but at the time of

your meeting you were going over in depth all of the concerns that you had.

Ms Luu: Yes, both of us.

Mrs Marland: So what was it, as you left that meeting, that twigged for you that Ms Gigantes was in the next room and could well have heard your concerns in person? Not that you're not someone that she doesn't know; she would perhaps even recognize your voice because she knows you so well.

Ms Luu: She knew it was me, yes.

Mrs Marland: Were you fairly confident when you left on October 28, some nine months ago now, that Ms Gigantes had to have heard at least some of the concerns that you and Sharron were trying to bring to their attention?

Ms Luu: Yes, because when we left and Sharron said, "Oh, Evelyn is in the office," I said, "That's good." So she must have heard us, because we were animated, we were excited about the Corporations Act.

Mrs Marland: I will ask Dr Can Le this last question, but have you any idea why Dr Can D. Le destroyed your documentation about the work of the superintendent and the other material records of the centre, the board meetings? Have you any idea what was his motive to destroy records and to protect that particular superintendent?

Ms Luu: I can see readily two motives. First of all, the lawsuit by the former property manager, launched by Mrs Trinh Tran, because in her statement of claim she said that she had difficulties working with this guy because he is incompetent. In his statement of defence, Dr Le said, "No, the superintendent, at all material times, the corporation expressed satisfaction over his performance." All of a sudden I didn't have anything against that super nor Can Le. I found out the same thing.

I was forced to produce a favourable evaluation report on the super's performance one day after the board met to approve the evaluation procedures. Can Le said, "You should write your report in consistency with the corporation's statement of defence." I said: "I can't do that, because you are forcing me to lie, first. Secondly, I care for the safety of my tenants, and if I certify that this guy is qualified and I didn't urge him and nobody was—everybody was covering up for him, so what happened to our tenants' safety?" So that's the first motive.

The second one—well, I don't know whether I should say that. I think that it's a matter of false pride because I think personally that Dr Le must—like I said, his erroneous vision, I would call it, the erroneous vision on the development of the project, was how the end was perpetuated by himself. So I really—

Mrs Marland: It was like a little empire-building for him as an individual?

Ms Luu: Yes, I would say so, of Dr Le.

Mrs Marland: Thank you. Mr Harnick.

Mr Harnick: Very briefly, I have two questions, Ms Luu. First of all, you told us earlier that you had been given a job by the, I gather, Ministry of Housing and that the job was a job, if you had taken it, that you would

have had to go to Toronto to take up whatever duties.

Ms Luu: Yes.

Mr Harnick: Who offered you that job?

Ms Luu: Ms Eileen Quinn.

Mr Harnick: Eileen Quinn?

Ms Luu: Yes.

Mr Harnick: And did she say how much money you were going to be paid?

Ms Luu: Yes.

Mr Harnick: How much money were you going to be paid?

Ms Luu: Thirty-nine thousand.

Mr Harnick: Thirty-nine thousand. Did they give you any kind of letter confirming your employment? Was there any documentation?

Ms Luu: Yes, they started to send me the—what do you call that? The forms that you have to fill in, in order to become a staff member at the ministry's office.

Mr Harnick: I see, okay. That's my first little area that I want to deal with.

The second area is this: You've told us that Sue Lott and Audrey were friends of yours, they were very supportive and in fact, you attended on them and told them your story. You provided them with your documentation; you sent them carbon copies of letters that you had sent to the minister and her staff. You had in fact met with the minister's staff. You had provided them with all of the documentation, and then you had the big meeting with the minister on June 10, 1994. Up to that time you had spent really almost a year and a half pumping out correspondence, trying to tell your story to all of these people. Correct?

Ms Luu: Yes.

Mr Harnick: When you sat down with the minister on June 10, 1994, was it as though you were telling the story to the minister for the first time, and all of this came as a great surprise to her? Or are we to understand that in fact her staff does brief her and her ministry personnel does brief her, and that all of this was something she was very familiar with?

Ms Luu: Yes, that's why I found her question, "Did Bill Clement know about this?" very, very shocking, because that's why I started to pour on the reports. Because if Bill Clement had sat down with me and listened to me, I wouldn't have requested a meeting to see Evelyn, and I was talking to her right here.

Mr Harnick: But was the minister aware of all of this, or was this as though she had heard the story for the first time?

Ms Luu: Yes, she was aware of all this because, according to a conversation Sharron had with Sue Lott on December 2, Sue said, "Yes, I talked to Evelyn about this and Evelyn had decided to pull your letter out of the regular channel, and she decided to assign this matter to Marc Collins, and Marc was not very happy with the way the regional office is responding to the problem." We have that transcript too.

Mr Harnick: So she was well aware of it. Did you

ever get the impression, because she was well aware of it and that she had people who were working directly in her office dealing with it, that in fact she was involved with this issue herself, or did you get the impression that she had just delegated everything and that it was going to go away?

Ms Luu: I really don't know.

Mr Harnick: Did she ever give you any impression?

Ms Luu: No, because I did most of the talking and she listened attentively. She didn't say anything so I don't know.

Mr Harnick: Okay. Thank you.

1850

Mrs Marland: Is there any time?

The Chair: Yes. You've used 16 minutes and 40 seconds.

Mrs Marland: Ms Luu, you heard me also say earlier today that if certain people had done their job, we could've avoided this very expensive, costly hearing as a burden on the taxpayers of Ontario.

Ms Luu: That's true.

Mrs Marland: You agree with that statement?

Ms Luu: Yes, I completely agree with that.

Mrs Marland: Do you also agree that if there had been two women who were a different ability and a different personality than you and Sharron Pretty, two things might've happened—somebody with less courage and strength than you and Sharron Pretty would've given up long ago?

Ms Luu: That's true. Nobody would endure whatever we have gone through.

Mrs Marland: So why didn't you give up? Because you wanted to protect your community and make something right that you saw was very, very wrong?

Ms Luu: Yes, because we think that this is worth fighting for. This is a good cause, and I was in a position to know about this. If I give up, nobody else knows about this, and the intimidation will go on, Sharron will suffer and the tenants would never enjoy an open and fair and democratic process at this centre. I want to rectify the wrongs, the problems.

Mrs Marland: Good for you.

Mr Harnick: Ms Luu, at the end of your meeting on June 10 with the minister, the minister volunteered to you that, "This is really a messy problem we've got ourselves into," and you then said to her, if I understand your evidence, "It would not be such a messy problem if you had been listening to us."

Ms Luu: A few months ago.

Mr Harnick: A few months ago. What did the minister say to that?

Ms Luu: Nothing.

Mr Harnick: She was sort of left speechless? Is that fair to say?

Ms Luu: She didn't say anything. I don't know, but she didn't say anything.

Mr Owens: Isn't this called leading the witness?

Mr Harnick: Pardon?

Ms Luu: She didn't say anything.

Mr Harnick: I'm sorry. I didn't hear the answer because Mr Owens was going to try and give it for you. Could you repeat what you said?

Ms Luu: She said, "It's really messy," and I said, "It couldn't have been that messy, Evelyn, if you had listened to me and Sharron a few months ago," and she didn't say anything.

Mr Harnick: Was that just the end of the meeting, right then and there?

Ms Luu: Yes, it was towards the end.

Mr Harnick: Did she just sort of turn around and walk away at that stage, or was there anything else said?

Ms Luu: Let me remember the sequence. When was that, when I asked her, oh, yeah, "What are you going to do about that? What would you do about that, Evelyn?" and she said, "Well, I don't know; I'm not a lawyer."

Mr Harnick: All right. Thanks.

The Chair: Kimble? Mr Sutherland?

Mr Sutherland: Mr Winninger.

The Chair: Okay, Mr Winninger.

Mr Winninger: Thank you, Mr Chair. Ms Luu, we've heard that your acquaintance with the Housing minister goes back to late 1991, when you first met at the opening of the Van Lang Centre. I believe that was your evidence?

Ms Luu: No, not 1991. I started on September 8, 1992, as the acting property manager.

Mr Winninger: No, I'm sorry, you were asked earlier in the day when you first met the Housing minister, and I believe your evidence was that you met the Housing minister at the opening of the Van Lang Centre in late 1991.

Ms Luu: No, in 1992; November 1992.

Mr Winninger: Okay, and after that you saw the minister on one occasion at the shower for the baby of Audrey Moey.

Ms Luu: There were other occasions in between, like she was there at our Tet festival, our community Tet festival.

Mr Winninger: And you also saw her at an NDP meeting that you described took place on March 10, but I don't believe you spoke with her then.

Ms Luu: Well, we just spoke, and she said, "So, Trinh, how is law school?" You know, that casual stuff.

Mr Winninger: Small talk.

Ms Luu: Yes. But I saw she was busy and I couldn't produce—you know, I have to go through hours and hours and the atmosphere was not convenient to do that so I dropped that idea. But I brought my file with me.

Mr Winninger: So the main occasion when you had the opportunity to discuss the allegations you had made was the June 10 meeting of this year?

Ms Luu: That's true.

Mr Winninger: But meanwhile you enjoyed what I would infer was a very friendly relationship with her

staff. You've described that you saw them on a few occasions. You had lunch with them on at least three occasions.

Ms Luu: Yes.

Mr Winninger: You mention that as early as May 1993, you had written to Mr Clement, who you described as the "small boss."

Ms Luu: Mm-hmm, May 31.

Mr Winninger: Was it May 31?

Ms Luu: Yes.

Mr Winninger: You had written to Mr Clement, who you described as the "small boss," I take it at regional housing, detailing some of your allegations in regard to the conduct of the superintendent, the conduct of Dr Can Le and also allegations regarding procedural irregularities. In response to that letter to Mr Clement, we heard from you earlier today that you received a visit, you received correspondence and you received communications, not only from Mr Clement but also from Mr Shapiro, who you described as the "medium boss," and Mr Sutherland, I guess, who was the big boss. Is that correct?

Ms Luu: Not after May 31. After May 31, I stopped seeing Bill because Bill didn't respond to my request, Bill didn't listen to me any more. That's why I filed that report on June 16 with Brian and I brought that report, on June 17, to the attention of Evelyn's office. So it couldn't be said that Evelyn came to deal with me directly since June 10, 1994, but I wrote to her in person on November 8 and she wrote me back.

Mr Winninger: Yes, I do know that. You said you were quite impressed with the promptness of her reply.

Ms Luu: Yes.

Mr Winninger: I take it that because of your own conclusions as to the response of the Housing ministry at that point, you had some conversations with Ms Pretty as early as October 1993 regarding sending a letter to the minister. In fact, you co-wrote that letter with her, did you not?

Ms Luu: That was in March, on March 4, 1994, when we did not—oh, that was when the compliance review was out.

Mr Winninger: I'm sorry. On October 29, you indicated that you had written a letter—

Ms Luu: No, that was Sharron's. It's not my letter.

Mr Winninger: You didn't co-write that letter with her, then?

Ms Luu: No, I wrote with Sharon on March 4, 1994.

Mr Winninger: I see. There was no mention in Ms Pretty's letter, to your knowledge, of October 29 requesting a meeting. It was November 8 when you personally wrote to the Housing minister. In the course of your letter you requested a meeting, as you put it, to directly voice your concerns.

Ms Luu: Yes, on November 8 I put that and I said I wanted to have a meeting with the minister in order to have her examine the evidence I had supporting my allegations.

Mr Winninger: What in fact the minister responded

with in her letter of December 6, acknowledging your letter but including a statement that she would contact you after the compliance review report was in, and in fact that compliance review report was presented to the board, I understand, on February 8, 1994.

Ms Luu: Mm-hmm.

Mr Winninger: Following the presentation of that report, you co-authored a letter with Ms Pretty, March 4, and you've mentioned that, in which you detailed some of your concerns regarding the compliance report. Is that correct?

Ms Luu: Yes, and I would like to add something, because just after the compliance review was out, I was waiting for the minister to give me that contact, because she promised, "As soon as the compliance review is out, I will contact you." I waited and I didn't see anything. We realized that this is important, the compliance review has problems. We waited. We didn't see anything. That prompted our March 4 letter.

1900

Mr Winninger: You mentioned your request for a meeting that you made on April 28 with the minister.

Ms Luu: Prior to that, I started to—okay, so I requested a meeting on November 8. She said, "Wait, let me see the compliance review."

Mr Winninger: Yes, right.

Ms Luu: Then the compliance review was out. I heard nothing, so we were getting impatient. The compliance review has problems, so we wrote on March 4. We heard nothing. February 25, before that, I had already talked to Sue, insisting on a meeting.

Mr Winninger: But by April 25, Ms Pretty had already sworn out some informations.

Ms Luu: Yes, she did.

Mr Winninger: It was at that point that there was some concern expressed by Ms Gigantes's staff that when criminal charges have been laid, consideration for a meeting with you might be problematic. Is that correct?

Ms Luu: Yes, and there was a little difference between Sharron's moods and my feelings at the time, because Sharron wanted to go to the media earlier than I did. Sharron wanted to go right in March. I tried to prevent her and I said: "Wait, Sharron, give Brian a chance. I'll talk to Sue." That's why I talked to Sue again on March 25. At that time, Sharron was determined to go to the media. I decided later on.

Mr Winninger: But your evidence was that the ministry was reluctant to intervene in the face of those court charges.

Ms Luu: They were reluctant to intervene into matters that were under that jurisdiction. The charges—they can't intervene. What about the core issues? What about the faulty selection process? What about the OCRHA quota? What about tenant participation?

Mr Winninger: Fine. Meanwhile, though, you made contact with Mora Thompson of the Conservative caucus. Is that correct?

Ms Luu: I did that only when I told myself: "That's it. I won't try any more with the ministry. I will turn to

other resources." I saw that April 23 article by Elizabeth Payne and I saw all the troubles and I thought, "This is our story and we need to tell our story."

Mr Winninger: According to Mora Thompson's notes, if this problem was solved internally, you thought that at least the charge you laid might be withdrawn but you couldn't speak for Ms Pretty, I believe your evidence was.

Ms Luu: I think if you look at those notes, you will see that they were taken right after the item referring to Marilyn Churley's letter and my statement that I had given the ministry one year, to rectify the situation. What I was commending at the time is that. So you see, I tried everything I could.

Mr Winninger: I heard your evidence earlier and it was very thoroughly gone into by committee counsel.

Ms Luu: This is what she put down. This is not what I had in mind at the time.

Mr Winninger: But that's what was noted and that's Mora Thompson's reflection of the conversation highlights that you had with her.

Ms Luu: That must be what she got from me, but what I was saying at the time is that, you see, if these were solved internally, these charges could not have existed today.

Mr Winninger: Meanwhile, while you were informing Mora Thompson and perhaps others of the criminal charges, it wasn't part of your conversation with Ms Gigantes's staff at that stage?

Ms Luu: Because nobody asked.

Mr Winninger: No one asked.

Ms Luu: If you look at the transcript, I was the one who made long tirades and my interlocutor just listened, very annoyed. So what can I say? I just said, "There is legal action." Nobody inquired about that.

Mr Winninger: Eventually, on June 2, you spoke with Marc Collins, who we understand is a policy adviser to the minister, and he again expressed some reluctance regarding a meeting with the minister after charges have been laid. Is that correct?

Ms Luu: Yes.

Mr Winninger: Eventually, a meeting was arranged on June 10th, and you've provided the committee and others with an account of your meeting with the minister. During the course of your account—and perhaps you have it in front of you now—you said that you did most of the talking, Ms Gigantes listened attentively, and you told her your belief that it was her responsibility to receive information to accurately identify problems and take appropriate action.

Then at the end of this document you say that you "left the meeting feeling relieved and hopeful and convinced that the minister is no doubt compelled to take action against the wrongdoers now that she had seen the evidence and received information on the gravity of the situation."

Ms Luu: Yes—

Mr Winninger: Then you went on to say that you "had finally succeeded in forcing the minister to face

reality," and so on.

Ms Luu: Yes.

Mr Winninger: It was your evidence, I believe, that you were told by the minister that it would take two weeks for her to get back to you in connection with the evidence and discussions that you presented on June 10th; is that correct?

Ms Luu: I said, "What are you going to do?" She said, "I don't know; I'm not a lawyer." "When can I hear from you?" She said, "In two weeks." I don't know what she's going to do in two weeks, but the feeling I had at the meeting was my personal feeling which was not shared by Sharron and by other non-Viet tenants, because when I came back, I came out of that meeting, I went to them and said, "This is what she said, this is what I said, this is what she promised." They said: "That's too late, we won't wait, we have to go to the media. Would you join us?" I said, "Yes, I would." That's why we produced our letter, we co-signed it.

Mr Winninger: But contrary to the sense of comfort that you reflect in your notes of June 10th, which were prepared, you said, in the evening—and I would ask whether there is a document of your rough notes that were taken at the meeting.

Ms Luu: No, because I type it on my computer.

Mr Winninger: Okay. So, anyway, the very next day you're writing to Mora Thompson, and we have the June 11th memo before us saying that the staff had ignored your evidence, that you did not reveal coverups in the compliance review—

Ms Luu: Excuse me, which tab is that?

Mr Winninger: Pardon?

Ms Luu: Which tab is that?

Mr Winninger: Which—

Ms Luu: The tab you are referring to.

Mr Winninger: Oh, I'm sorry. Perhaps there's so many—

Ms Cronk: Which document is it?

Mr Winninger: This is the June 11th memo to Mora Thompson from Ms Luu, tab 88. I think it was 100—89? Sorry, that's not—

Ms Luu: That is not the meeting I had with Evelyn, that was the meeting Sharron had.

Mr Winninger: Oh. I may be able to help you with the exact tab. It's tab 4—

Interjection.

Mr Winninger: Pardon?

Ms Cronk: Seventy-three.

Mr Winninger: Seventy-three? Okay.

Ms Cronk: We're talking about the June 11th memo to Mora Thompson?

Mr Winninger: That's correct. It's the memo in which you quote the minister as saying this was very messy.

Ms Luu: Yes.

Mr Winninger: In any event, you go on to say during the course of that, "We have no other means to reveal the

truth but to make it public." So you decided, I guess, virtually overnight that you were no longer comfortable and that you were now going to go public with this; is this correct?

Ms Luu: That's true.

Mr Winninger: You do agree that the minister did listen attentively to your concerns—

Ms Luu: Yes.

Mr Winninger: —that there was an undertaking by her to get back to you in two weeks and that you left on amicable terms?

Ms Luu: Yes.

Mr Winninger: Okay. Next, June 13th, another memo to Mora Thompson, and in the course of this memo you thank her for her messages. So I gather there was some ongoing communication between you and Mora following the June 10th meeting; is that correct?

Ms Luu: Yes.

1910

Mr Winninger: Again on June 15, you write to her and indicate that if the issue is raised in the House on June 20, that would be fine and that you would compile the necessary brief.

Ms Luu: Mm-hmm.

Mr Winninger: You indicate that you'd like to have a courier to pick up some more files and documents. So I gather you were in very close communication with Mora Thompson of the Conservative caucus throughout this period of time; is that correct?

Ms Luu: Yes.

Mr Winninger: You taped many conversations that took place both in person and over the telephone. Did you tape any of your conversations with Mora Thompson?

Ms Luu: No, I did not.

Mr Winninger: Was there a reason why you taped other conversations and not your conversations with the PC caucus?

Ms Luu: Because she's not in the picture. She's not the Ministry of Housing staff. I have been dealing with the Ministry of Housing staff and I need to document on the Ministry of Housing staff, so why should I tape Mora? I didn't see any reason why I should tape her, because I understand what I was communicating to her. I trusted her, because she promised to listen to us and I shared my concerns with her. Here is someone who listens to my concerns and I have no doubt not to trust her.

Mr Winninger: After the June 17 meeting of which you express no direct knowledge but you indicate that you had spoken with Sharron Pretty after that meeting, and subsequently in the afternoon I think you faxed a memo to Mr Wallace of the Sun relaying to him what Ms Pretty had told you of what had ensued at the morning meeting, you indicated some familiarity with her rough notes, that you had seen her rough notes, but you indicated that at first she showed you page 1 of those notes. Is that correct?

Ms Luu: Yes.

Mr Winninger: But later there was page 2 and page 3 of those notes added, and those were the notes that pertain to conflict of interest and pressure to drop charges and so on. Were you involved in the preparation of pages 2 and 3 of those notes?

Ms Luu: No, not at all.

Mr Winninger: Do you know why she had one page of notes from the meeting and then pages 2 and 3 were then added?

Ms Luu: Yes, because right at the meeting she said that she knows that it would last only for half an hour. Evelyn was talking, so she thought that Evelyn must do the talking most of the time and no one would have a chance to say anything. And she did. According to what Sharron told me, Evelyn just acted like the chairman.

Mr Winninger: If you had an hour—

The Chair: I'm sorry but your time's run out.

Mr Callahan: You had me on the edge of my chair.

The Chair: Bob here has got two questions.

Mrs Marland: On a point of order, Mr Chair: I'd like to ask Ms Cronk's opinion. Since my executive assistant, Mora Thompson, has become through her work with Ms Luu in trying to resolve the problems at the Van Lang Centre—Ms Thompson's handwritten notes have been part of the evidence as of now, this afternoon, and in the cross-examination, there has been inference in what Ms Thompson meant when she wrote her notes. So my question to you, Ms Cronk, is, that gives me some concern on behalf of Ms Thompson and her professional career, because I know Ms Thompson. I know the kind of notes she takes because she's worked with me for five years. My concern is that if there is an inference that Ms Thompson meant one thing and Ms Luu, in relating something to her, meant something else, it's very difficult for Ms Thompson to protect what her understanding was when she took these notes without being able to say that herself.

The questions that Mr Winninger was just asking, there was the inference all along about the fact that it was the Conservative member and the Conservative, Mora Thompson, and I have a concern for the fact that although Ms Luu has referred to Elizabeth Payne's article in the Ottawa Citizen which talked about the problems in non-profit housing in the province, because—I haven't actually read the article, but I understand it talks about Mike Harris and his opinion about what's wrong with some of the non-profit housing programs in the province.

When Ms Luu contacted—she read this article. She phones Mr Harris's office. Mr Harris's office actually referred her to Norm Sterling's office, because she was from Ottawa, who in turn referred her to me, and Ms Luu's referral to my office in fact had nothing to do with our partisan alignment. It was simply that—we happen to be Conservatives, but I feel that Ms Luu didn't even know who we were when she started to make the calls after the article that she read in the paper.

But now Ms Mora Thompson's notes have become a very important part of the evidence this afternoon, not more important than any other part, but they on their own

have become an important part. So I'm wondering if you would consider it necessary for Ms Thompson to answer questions on her own notes.

Ms Cronk: It may be a matter, Ms Marland—the best way that I can respond to it is a matter that I would like to give further consideration to. I do not regard evidence from Ms Thompson to be necessary because the witness has not, as I understand it, denied any of the relevant contents of the notes that were examined on. Had that occurred, then I would have asked the committee myself to hear from Ms Thompson as a necessary witness.

Having said that, if there is some unfairness that would be worked by not permitting her to testify, that's an entirely different matter and I would like to consider that. And if that is the committee's wish and avoiding unfairness would be accomplished by permitting her to testify, that would always be my recommendation.

Mrs Marland: Thank you.

Mr Callahan: On that same point, I would have thought that it would have been acceptable to have an affidavit of—we're not going to get through these witnesses, and I think we're running out of a lot of time. I would think an affidavit would probably suffice.

But the one I would like to ask about is—and I notice they are not on the list for witnesses—Michael Séguin, Pat Dare and Dave Rider. I look at their evidence as being critical. They are personally present when Hieu Truong, the secretary, states—according to Trinh Luu: “We confronted him with a lot of uneasy questions. He said, to his understanding, there was an agreement at the meeting with Evelyn on Friday, June 17, 1994, that they would postpone the decision to remove Sharron in exchange for her dropping the charges.”

That is the very meat of this committee hearing, and I find it really bizarre that those three witnesses are not on the list of witnesses, because if what took place—if Hieu Truong did say that, we can call them and we can all go home.

The Chair: I'm going to break in. Mr Callahan, then you should appoint you as a subcommittee member, because the subcommittee were the ones that went over with legal counsel—

Mr Callahan: Well, no, Mr Chair, with—

The Chair: No, no, but I think you should discuss that.

Mr Callahan: Well, Mr Chair, with respect, I was not on the subcommittee. Legal counsel has indicated that she has gone through the witnesses that she felt were relevant. It may very well be that these three slipped through the cracks.

Interjection.

Mr Callahan: Oh, I'm sorry. Well, I'm told by my colleague that the subcommittee did not have access to the item that's under tab 93, and, I mean, that's pretty clear. It says these people were present when Hieu Truong made that statement.

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): Ask him if he made that statement when he comes before the committee.

1920

Mr Callahan: That's fine, but the very fact that those three people were present—if it's irrelevant, and I think it's most relevant—

The Chair: Mr Callahan, there are a couple more questions to go on here. Ask your rep at the subcommittee meeting tomorrow to bring this issue up and we can discuss it there.

Mr Rosario Marchese (Fort York): Mr Chair, perhaps legal counsel has a comment to that.

The Chair: Well, I can let Ms Cronk answer that, but—

Ms Cronk: It would be my advice to the committee, Mr Callahan, that you hear the evidence of Dr Truong, who is to be called as a witness in this matter, before any inferences or conclusions are drawn by anyone as to the import of the document or of its contents.

I can say to you, sir, that then or at any other time, if there is need or relevance in calling an additional witness, I would be pleased to discuss that with the subcommittee and call whatever witnesses are necessary. But to make that determination now or to draw any conclusions or inferences from the evidence that you've heard today before you've heard from Dr Truong—it might be better not to do that and to hear from him first.

Mr Callahan: The only difficulty, Mr Chair, and I'll leave it, is that if that happens, Dr Truong is coming on so late in these proceedings—we've only got till Thursday. If we have the undertaking of all members of this committee that if it becomes necessary to extend, assuming Dr Truong denies it, to call evidence, to call these people, that the committee itself will agree that these three witnesses should be called—we're trying to get at the truth of this matter, and if Trinh Luu says that's what happened, she was there, she's been called, and certainly Pat Dare and Dave Rider—I have no idea who Dave Rider is, but Pat Dare is a member of the press.

Ms Cronk: So is Mr Rider.

Mr Callahan: Is he also? And Michael Séguin—I think those witnesses should be before us, maybe by way of rebuttal, but I want some undertaking from the committee that they will extend the sittings if necessary to bring those witnesses forward.

The Chair: Have your subcommittee member bring it forward. Ms Cronk, I think you have a couple of questions so we can dismiss the witness. It's been a long day.

Mr Chiarelli: If I may, Mr Chair, on a point of order: There's nothing that this committee can't deal with that the subcommittee can deal with. If a motion were to be made at this committee to compel a witness or to ask for a witness we have the authority to do so. So I don't think it's necessarily correct simply to say, “Refer to a subcommittee.” I think it's totally appropriate for anybody on this committee to suggest potential witnesses.

Mr Callahan: I think counsel indicated that too. She indicated we were at liberty to do that and I so move, Mr Chair, that this committee—

Interjections.

The Chair: Can we finish? We'd like to finish with the witness.

Ms Cronk: Sorry, there is some re-examination by me, Mr Callahan, of the witness.

Ms Luu, I don't have very many questions for you but I want to clarify a number of the answers that you gave to members of the committee. I'm not sure that I understood them.

First, with respect to the April 28th discussion that you have said that you had with Audrey Moey of the minister's constituency offices, I thought you told the committee earlier this afternoon—and please correct me when I get this wrong, if I do—I thought you had told the committee that you told Ms Moey during that conversation that Sharron Pretty was taking “legal action.” That was the phrase that you used. Do you recall that?

Ms Luu: Yes. I remember saying to her that the latest I heard from Sharron was that she has taken legal action.

Ms Cronk: Yes, and then this afternoon, and it may have been a misunderstanding on my part, late in the day, I thought you said in an answer to a question you were asked by the committee that the first time that the minister's constituency office staff heard about “court charges” was when you told Ms Moey all about them on August 28th. My question to you is this—

Ms Luu: April 28th, not August 28th.

Ms Cronk: I'm sorry. You're talking about the same conversation, April 28th.

Ms Luu: Yes, yes. I think that was the first time that the constituency staff heard about the actual charges being laid.

Ms Cronk: On April 28th.

Ms Luu: Yes.

Ms Cronk: My point to you is this: Did you in fact use the word “charges”? Did you in fact provide any details about Sharron Pretty's legal action to Ms Moey in that conversation? I thought you had told me you had not.

Ms Luu: No. I think I said—what I said was that, “The latest I heard from Sharron is that she has taken legal action.”

Ms Cronk: And did you explain what you meant by that to Ms Moey or not?

Ms Luu: No. No. I have the transcript, so you can check and see, but I remember I said that.

Ms Cronk: Then I was also confused about one other point, and it has to do with your discussion with Mora Thompson on May 25th and the notes that are now an exhibit before the committee and what you told the committee about that. We had a lengthy discussion about it, so I just want to make sure I understand what your evidence is.

Could you look again at page 3, please? With reference to the notation, “If solve internally, charges can be withdrawn,” I thought you had told me at the end of your evidence this afternoon—you did indicate earlier in your evidence today that you could not speak for Sharron Pretty, that you didn't know what her intentions were with respect to the charges that she had initiated.

Ms Luu: That's true.

Ms Cronk: And in the context of your discussions with Mora Thompson, I took from that that you weren't purporting to speak for Sharron Pretty.

Ms Luu: That I was—

Ms Cronk: You weren't suggesting that you were speaking for Sharron Pretty in your discussion.

Ms Luu: I was suggesting that I was speaking for Sharron? No, because when you questioned me on this, I had a hard time to remember how this links with the two previous statements I have, because I can't remember and I don't have any minutes or tapes or transcripts to back up my memory. So what I took from this is that if you relate it to the two earlier statements, what I must have said is that, you see, it has been dragging on for almost a year, and if it had been solved internally, those charges could have never existed.

Ms Cronk: I asked you to look as well at page 4 and the discussion of charges set out on page 4. The question I'm putting to you, Ms Luu, is this: that when you were speaking about charges with Mora Thompson, as indicated by her notes, what you were telling her about was not just the charge you had initiated but all the charges that were outstanding.

Ms Luu: That's true.

Ms Cronk: And there is nothing in these notes to suggest that when you told her, as you acknowledged to me that you did, that “If solve internally, charges can be withdrawn”—there's nothing in these notes that would suggest you were speaking only of the charge that you had initiated.

Ms Luu: I would never have said that if solved internally, charges can be withdrawn, because I won't use the words “can be.” What I said is that what I might have said at the time is that if this had been solved internally, we would never have proceeded with the charges, because we were exploring and we didn't know how to go about the charges.

Ms Cronk: But when you were speaking about the withdrawal of charges, you were talking not only about your own but the charges you described to her, which included Sharron Pretty's as well as the one you'd initiated.

Mr McKinnon: That's not what she said.

Ms Luu: I didn't say that. I said, “Look, I am here and I'm insisting to have a meeting with Evelyn, because right now I am not involved legally,” because the charge I have laid was there but I did not activate it and I didn't proceed with it and actually it was proceeded only on June 16, after I had the meeting with Evelyn. I said, “Look, I'm not involved legally and it's valid for me to talk, to insist on a meeting with Evelyn, because I'm not involved and I can withdraw the charge whenever I want, I can drop the charge whenever I want”—my charge, not Sharron's charges, because I didn't speak for her.

Ms Cronk: I understand. I'll leave it there. Thank you. Those are my questions.

The Chair: Okay. Ms Luu, I'd like to thank you for coming today before the committee. It's been a long day.

and it's been a hard day for you, so we really appreciate your presence here. Thank you.

Mr Callahan: Before we adjourn, I have a motion, and I wish it to be voted on.

Mr Sutherland: Mr Chair, a point of order.

Mr Callahan: I haven't even put the motion on the floor. How can they have a point of order at this point? Are you psychic?

Mr Sutherland: Mr Callahan has indicated he wants to move a specific motion regarding issues. You will recall that the subcommittee had agreed that dealing with issues would be dealt with by the subcommittee, and it was my understanding that that was also pointed out this morning in what you have referred to. I guess I want to know whether he can make this motion, since it is in the purview of the subcommittee, or whether this has to wait until the subcommittee reports back. I'd ask for a ruling on that, Mr Chair.

Mr Owens: We should dismiss the witness first so she can go home.

Ms Cronk: Thank you very much.

The Chair: Thank you. You can leave now.

1930

Mr Marchese: Mr Chair, I'd like to add a comment to that. Without getting your ruling first, my sense is that the committee member could do that if he wants to. But my sense of it, without dismissing his suggestion, is that it's a bit premature. The subcommittee has worked relatively well, in my experience there, and all of the members have been cooperative, as far as I know. We've taken counsel from legal counsel, and then the subcommittee makes a decision based on those discussions.

I would ask Mr Callahan not to put that motion, because I don't think it's necessary today, and deal with that as we go. My sense is the subcommittee will meet tomorrow. Based on the review of legal counsel and the discussion that you will have at subcommittee, this can come back tomorrow, if necessary, but I think it's premature.

Mr Callahan: Mr Chair, legal counsel told us at the outset that if any member of this committee considered that other witnesses were appropriate and needed, she had no difficulty with us asking that they attend. Now, my difficulty with leaving it till tomorrow is that Mr Séguin happens to be physically challenged. He lives in Ottawa. If he's to come, it's going to mean that we're going to have to get him here and I don't think it's something that should be left.

I'm suggesting that it's quite clear—and it may be that counsel probably knows a lot more than I do about what Mr Hieu Truong's evidence is going to be, but it seems to me that these witnesses would be very short witnesses. It would be simply a matter of: "Did you hear? Were you present at this meeting on June 19? Did you hear Hieu Truong, the secretary, make the statement that at the meeting on June 17 there was a discussion about dropping the charges?" End of case.

I'm going to move the motion, Mr Chair. I think I'm entitled to, under the rules, and I think if you take advice

from the clerk, you'll find I am.

Interjection: Well, you're going to lose.

Mr Callahan: Maybe I'll lose, but if I lose, then it's a question of these people being prepared to try to hide the truth.

Mr Sutherland: Mr Chair, I had a point of order. Could I ask for a ruling on that before anything else proceeds?

The Chair: I think you're right on that. If I want to read back, if I can find it here—

Mr Callahan: Perhaps I could refer it to the subcommittee informally and they can deal with it. But I want a motion here to refer it to the subcommittee. I so move.

Mr Marchese: Refer it to the subcommittee.

The Chair: Okay. Does everybody agree that we refer this to the subcommittee?

Mr Callahan: Can I specifically say what I'm moving to be referred to the subcommittee? I'm moving that Michael Séguin, Pat Dare and Dave Rider be invited to attend as witnesses at the sittings of this committee and that this matter be referred to the subcommittee.

The Chair: Everybody in favour of that? Anybody opposed? Unanimous.

Mr Chiarelli: I have a question.

The Chair: Yes, Mr Chiarelli?

Mr Chiarelli: Can we get an understanding now as to when we will have a subcommittee meeting next?

Mr Marchese: Tomorrow.

Mr Chiarelli: When tomorrow?

The Chair: One will be at 8:45 tomorrow morning, 15 minutes before our regular meeting. If you want to have one tonight—

Mrs Marland: I'd like to suggest, Mr Chairman, if I may, that we have a subcommittee meeting right now, because if we start off tomorrow late—we're already four hours behind. I think it would make sense for us. I'm willing to have the subcommittee now. A quarter to 9 means we'll be starting at 9:30 and we delay everybody tomorrow.

Mr Murphy: Mr Chair, just the scheduling, if I can. We had originally hoped to deal with Trinh Luu and Sharron Pretty today—obviously, we're only getting to Trinh Luu—and there were five or six witnesses scheduled for tomorrow. I'm wondering if commission counsel has a sense, given the realities of what has happened today, of what point she sees us getting to tomorrow and in fact whether we'll even reach Dr Hieu Truong.

The Chair: Mr Murphy, I was talking to legal counsel in the hall. She has some good news for us to discuss at the subcommittee meeting.

Mr Murphy: But I want to hear before I come back to the meeting tomorrow, and I ain't going to the subcommittee meeting. I'm sure the witnesses would know and the public who are watching on television would like to know.

Ms Cronk: What I communicated to the Chair earlier, Mr Murphy, was that I was going to request, given that we were behind schedule today, that the committee

consider sitting late tomorrow evening to hear additional evidence.

I can tell you that the witness you heard today, quite apart from the length of time it took to obtain the evidence, of course has a great deal of background on these matters and provided a framework for the committee that I hope the committee will find useful that won't be necessary from other witnesses.

What I'm saying to you is I hope we can pick up some time with some of the witnesses on this list. I have of course been concerned about the time constraints for some time now and I've made that known, and I'm suggesting that one way to assist with the matter is that we sit late tomorrow evening. Beyond that, I haven't had a chance yet to reassess how many of these people we will get through tomorrow, but I'm going to do that tonight.

Mr Murphy: Just so I can get it right, you have previously suggested, if I can use that phrase, that further opportunity for sitting perhaps on Friday would be helpful. Is it your sense yet that the suggestion continues to be a helpful one, given the fact that we are as much as four hours behind schedule?

Ms Cronk: My views are still the same, that we're going to require more time than was originally set. If we sit in the evening late tomorrow night, we may accom-

plish some positive contribution to that.

The Chair: Yes, Ms Marland?

Mrs Marland: If I may, when our counsel asked that we ask the subcommittee for additional time because, as she saw it, in her best estimate last week she already knew that she would need Friday morning—in light of what's happened today and in view of the fact that our last witness, for three hours, is the minister, as the schedule shows, I am wondering whether the government representative on the subcommittee would be willing to go back to his House leader and make the request again. Or is he quite happy to shorten the time of his minister, which frankly I would not be happy with? I think we need the time with the minister.

The Chair: Ms Marland, we can discuss this in the subcommittee.

Mr Sutherland: Exactly. Mr Chair, it is for the subcommittee to discuss. I know Ms Marland and Mr Murphy are trying to make their political points here, and that's fine, but it has to be discussed at the subcommittee.

The Chair: I think we can discuss that.

Mr Chiarelli: When is the subcommittee meeting?

The Chair: Right now. So we'll adjourn until tomorrow at 9 o'clock sharp.

The committee adjourned at 1938.

CONTENTS

Monday 8 August 94

Alleged breach of conflict-of-interest guidelines	M-361
Trinh Luu	M-371

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

***Chair / Président:** Hansen, Ron (Lincoln ND)

Vice-Chair / Vice-Président: Wessenger, Paul (Simcoe Centre ND)

Dadamo, George (Windsor-Sandwich ND)

***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)

MacKinnon, Ellen (Lambton ND)

***Mathysen, Irene** (Middlesex ND)

McClelland, Carman (Brampton North/-Nord L)

Morin, Gilles E. (Carleton East/-Est L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

***Sutherland, Kimble** (Oxford ND)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland

Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan

Harnick, Charles (Willowdale PC) for Mr Villeneuve

Marchese, Rosario (Fort York ND) for Mr Dadamo

Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling

Murphy, Tim (St George-St David L) for Mr Morin

Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon

Winninger, David (London South/-Sud ND) for Mr Wessenger

Also taking part / Autres participants et participantes:

Colin D. McKinnon, counsel to Ms Trinh Luu

Clerk / Greffière: Freedman, Lisa

Staff / Personnel:

Cronk, Eleanore, counsel to the committee

Hourigan, Bill, counsel to the committee

McLellan, Ray, research officer, Legislative Research Service



M-24

M-24

ISSN 1180-436X

Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Tuesday 9 August 1994

Journal des débats (Hansard)

Mardi 9 août 1994

Standing committee on the Legislative Assembly

Alleged breach of
conflict-of-interest guidelines

Comité permanent de l'Assemblée législative

Allégations d'enfreinte aux consignes
sur les conflits d'intérêts

Chair: Ron Hansen
Clerk: Lisa Freedman

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944 – 1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Monday 9 August 1994

Lundi 9 août 1994

*The committee met at 0908 in room 151.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES

The Chair (Mr Ron Hansen): Good morning. I'd like to bring to order the standing committee on the Legislative Assembly. This committee was authorized to conduct investigations into allegations of breach of the conflict-of-interest guidelines made against the Minister of Housing in connection with her attendance at a meeting with the board of the Van Lang Centre in Ottawa on Friday, June 17, 1994. Our legal counsel is Ms Eleanore Cronk. Ms Cronk, I'd like to hand it over to you. The first witness is Ms Sharron Pretty.

SHARRON PRETTY

Ms Eleanore Cronk: Good morning, Ms Pretty. We're just going to ask the clerk of the committee to administer the oath or affirmation, as you prefer.

Clerk of the Committee (Ms Lisa Freedman): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Ms Sharron Pretty: I do.

Ms Cronk: Ms Pretty, as I understand it, you are a tenant at the Van Lang Centre in Ottawa.

Ms Pretty: Yes, I am.

Ms Cronk: And you became a tenant at the centre when?

Ms Pretty: I moved in just shortly after the beginning of July in 1992.

Ms Cronk: I'm going to ask you, Ms Pretty, just to move the microphone. That would be fine. If you'd like to move and if you could try to speak a little bit more directly into the microphone so that the committee members can hear you.

The Chair: Just speak into the mike a little bit louder, please.

Ms Pretty: Is that better?

The Chair: Yes.

Ms Cronk: I'd asked you when you became a tenant at the Van Lang Centre.

Ms Pretty: July the third, 1992.

Ms Cronk: And how did you hear about the centre? That is, how did you come to reside there?

Ms Pretty: I applied for subsidized housing at the Ottawa-Carleton Regional Housing Authority, known as OCRHA, and I was on their list.

Ms Cronk: By "their list," do you mean their waiting list?

Ms Pretty: The waiting list.

Ms Cronk: Before moving into the centre, did you know anyone living there?

Ms Pretty: No.

Ms Cronk: Had you ever met at that time—that is, before moving into the centre—a woman by the name of Trinh Luu?

Ms Pretty: No.

Ms Cronk: I take it, after moving into the centre, you did come to know her.

Ms Pretty: She interviewed me just before I moved in, but that was the only time I'd ever seen her.

Ms Cronk: And the committee has heard that Ms Luu came to work at the centre in the summer of 1992. Did you come to meet her or did you meet her shortly after she began to work there?

Ms Pretty: Yes.

Ms Cronk: When you moved into the centre, Ms Pretty, did you become involved in any of the tenant activities relating to the Van Lang Centre?

Ms Pretty: Yes, I was very interested in the culture and I took part in a lot of things that were going on, t'ai chi and what not.

Ms Cronk: And did you as well become involved with any formal tenants organizations at the time or did one exist?

Ms Pretty: Nothing existed when I moved in because there were very few tenants; I was one of the very first ones to move in, but as people started to move in and there was more of a population there, there seemed to be a need for some kind of a tenant organization. So I was asked by Dr Can Le if I would be part of an advisory committee to set up and form a tenants' association.

Ms Cronk: And did you agree to do that?

Ms Pretty: Yes, I did.

Ms Cronk: And how long did you serve on the tenants' advisory committee?

Ms Pretty: Until the beginning of the tenants association, when I was elected as vice-president of the tenants' association.

Ms Cronk: And when was that?

Ms Pretty: Um—

Ms Cronk: Just approximately.

Ms Pretty: Gee. I didn't—it was in the fall, I think,

or the summer.

Ms Cronk: Of the first year that you moved in or the second?

Ms Pretty: The second year.

Ms Cronk: And did you agree to serve as vice-president of the tenants' association?

Ms Pretty: Oh, yes. I was quite happy to be.

Ms Cronk: And at some point, Ms Pretty, as I understand it, you also became involved with the board of directors of the Van Lang Centre.

Ms Pretty: Yes.

Ms Cronk: And when did that begin?

Ms Pretty: I was asked to be a representative to the board of the tenants' association along with another woman. So August the fifth was my first board meeting and at that time I was elected to the board and I was also elected in the capacity of vice-president.

Ms Cronk: And that was August the fifth of which year?

Ms Pretty: Nineteen ninety-three.

Ms Cronk: So by that time, you had been living at the Van Lang Centre, as you indicated, for about a year?

Ms Pretty: About a year, yes.

Ms Cronk: Ms Pretty, are you familiar with the terms of reference of this committee in the matter that the committee is looking into, and by that I mean are you aware that it concerns the meeting of June 17th, 1994, with the Minister of Housing?

Ms Pretty: Yes, I am.

Ms Cronk: Did you attend that meeting?

Ms Pretty: Yes.

Ms Cronk: What I propose to do, Ms Pretty, is to review with you this morning a number of events that occurred during the period August 1993 up until the following June of 1994 and to review some of those events with you in a very general way and then to come back and ask you some specific questions about a number of those events. Would that be acceptable to you?

Ms Pretty: Okay. I hope you'll let me use my notes; I'm not as good as Trinh at remembering.

Ms Cronk: You may use any documents that you have with you that you think would be helpful to you. If, when I ask you about these general events, there's any particular matter that you wish to bring to the attention of the committee, would you just stop me and tell me that?

Ms Pretty: Sure.

Ms Cronk: Otherwise, I'm going to move through a chronology with you and ask you to confirm if I have my facts correct. All right?

Ms Pretty: All right.

Ms Cronk: So you've told the committee, then, first, that you came on the board of directors of the Van Lang Centre at the beginning of August of 1993 and at the same time were elected or appointed vice-president of the centre. Is that correct?

Ms Pretty: Yes.

Ms Cronk: Had you ever before served on a board of

directors of any kind?

Ms Pretty: No, no.

Ms Cronk: Save, I take it, for your position as vice-president of the Van Lang tenants association.

Ms Pretty: It's the first time.

Ms Cronk: All right. And in October 1993, on October 28, 1993, as I understand it, you had occasion to meet with representatives of the constituency office of the Minister of Housing in Ottawa. Is that correct?

Ms Pretty: Yes. Mm-hmm.

Ms Cronk: And did that meeting include Ms Trinh Luu?

Ms Pretty: She was there.

Ms Cronk: Yes.

Ms Pretty: She was in the office.

Ms Cronk: I'm sorry. She was in the office. Did she go with you to the meeting?

Ms Pretty: Just wait a minute. I'm just trying to get organized here which meeting it was. The 28th of October?

Ms Cronk: Did you attend a meeting on that date at the constituency office?

Ms Pretty: Yeah, there's a board meeting—no. Oh, that was the 29th.

Ms Cronk: All right. Let me rephrase the question, then, to you. Did you in the latter part of October attend a meeting at the constituency office of the minister?

Ms Pretty: Yes, with Trinh. Yes.

Ms Cronk: And you recall that being on October 29th?

Ms Pretty: Yes.

Ms Cronk: And did you on the same day write to the Minister of Housing about concerns which you had developed regarding the Van Lang Centre?

Ms Pretty: Yes, I did.

Ms Cronk: All right. And did you write the letter on the same day that you had met with members of her constituency office staff?

Ms Pretty: I started to. It was a long letter.

Ms Cronk: Okay. Who do you recall meeting with at the meeting at the constituency office?

Ms Pretty: It was Sue Lott, her assistant, and there was Trinh Tran, Trinh Luu and myself.

Ms Cronk: Had you ever met Ms Lott before that?

Ms Pretty: Uh, no, I hadn't.

Ms Cronk: Did you know who she was?

Ms Pretty: Just what Trinh told me.

Ms Cronk: All right. And which Trinh do you mean?

Ms Pretty: Trinh Luu.

Ms Cronk: All right. So I take it going into that meeting which you believe occurred on October 29th, you had not met Ms Lott but you knew something about her based on what Trinh Luu had told you?

Ms Pretty: I only knew that she was her assistant, Evelyn Gigantes's assistant, and that I would be speaking with her.

Ms Cronk: And had you at that point ever met the Minister of Housing, Ms Gigantes?

Ms Pretty: No.

Ms Cronk: When did you meet Ms Gigantes for the first time?

Ms Pretty: Basically, it was at the June 17th meeting, just recently. I understand she was at the opening ceremony at our building, but I didn't see her. I missed the first part of it and then she left, so I didn't get a chance to meet her.

Ms Cronk: And was your meeting on June 29th with Ms Lott the first time that you'd met her?

Ms Pretty: Yes.

Ms Cronk: Had you—

Mr Robert V. Callahan (Brampton South): Is that June 29th or October 29th?

Ms Pretty: October.

Ms Cronk: Did I say June? I'm sorry.

Ms Pretty: Yes.

Ms Cronk: Thank you.

Ms Pretty: We're all mixed up.

Ms Cronk: Thank you.

Mr Callahan: I'm an older person, you see, so I have to protect those months.

Ms Cronk: Don't give me an opening like that, Mr Callahan.

Mr Callahan: You don't care, but I do.

Ms Cronk: Never give me an opening like that. I'm getting younger as the day wears on. You probably didn't know that.

At your meeting on October 29th, were you meeting Ms Lott for the very first time?

Ms Pretty: Yes.

Ms Cronk: And you indicated that you did commence writing a letter then to Ms Gigantes, and I thought you told me that was, you think, on the same day, October 29th?

Ms Pretty: Well, it's dated October the 29th because that's when we had the meeting.

Ms Cronk: Now, those black volumes in front of you, Ms Pretty, are a number of exhibits that have been introduced before the committee. As I understand it, you were here for part of the proceedings yesterday?

Ms Pretty: Yep.

Ms Cronk: All right. Then the exhibits are marked exhibit 1 and exhibit 2. I'm going to be asking you a number of questions about volumes 2 and 3.

Ms Pretty: Okay.

Ms Cronk: Could we start with volume 2?

Ms Pretty: Yes.

Mr Colin D. McKinnon: Exhibit 2 or volume 2 of 1?

Ms Cronk: Exhibit 1, volume 2.

Ms Pretty: Okay, now we've got it straight.

Ms Cronk: Could I ask you to look at tab 11.

Ms Pretty: Mm-hmm. It looks familiar.

Ms Cronk: At tab 11 is a document, a letter of some length dated October 29, 1993. Is this the letter that you and I have just been discussing that you wrote to the Minister of Housing?

Ms Pretty: Yes, it is.

Ms Cronk: Did you complete it on or about October 29th and send it to the minister?

Ms Pretty: Yes.

Ms Cronk: It is directed to the minister at a Queen Street address in Ottawa, Ontario. Is that her constituency office address?

Ms Pretty: Yes.

0920

Ms Cronk: And then as I understand it, just to move through the chronology, Ms Pretty, and again, as I indicated, we'll come back to certain of these events, but again at the end of October 1993, had you by that time, as a director of the Van Lang Centre, developed any concerns regarding your ability as a director to access information relating to the corporation?

Ms Pretty: I started having trouble getting access, basically, from very early on.

Ms Cronk: Did that continue to be the case in October 1993?

Ms Pretty: Yes. To this day, basically, it's the same.

Ms Cronk: As I understand it, again just dealing with the chronology of events, on November 8, 1993, Ms Trinh Luu wrote to Ms Gigantes. Are you aware of that?

Ms Pretty: Yes. I don't have a copy of that letter in my records, though.

Ms Cronk: All right. Could you look at tab 12 of the same volume, the very next document in the book that you have.

Ms Pretty: Okay. I've seen it.

Ms Cronk: Were you aware at the time that Ms Luu was preparing this letter that she was doing so?

Ms Pretty: Um, most likely.

Ms Cronk: Do you recall whether you discussed its contents with her before it was sent?

Ms Pretty: Well, we certainly talked a lot about our meeting with Evelyn. So I'm sure that, you know, in some respects it's a joint effort in a way. But it's her own words. I certainly didn't have anything to do with writing it.

Ms Cronk: Then moving forward in the month of November 1993, was there at that time something which occurred regarding your status as a director on the board of the Van Lang Centre that was of concern to you?

Ms Pretty: November 1993. I was having trouble getting access, and I approached Brian Sutherland to try and remedy a problem that I was having.

Ms Cronk: Who did you understand Mr Sutherland to be?

Ms Pretty: He's the regional manager of the Ministry of Housing.

Ms Cronk: Had you ever dealt with or met with Brian Sutherland prior to November 1993?

Ms Pretty: No, I'd mostly dealt with Bill Clement, the representative under him.

Ms Cronk: Had you dealt with Bill Clement about matters related to the Van Lang Centre?

Ms Pretty: Yes.

Ms Cronk: Did you actually meet with Mr Sutherland in November 1993?

Ms Pretty: Yes.

Ms Cronk: Was that on or about November eighth or ninth?

Ms Pretty: Yes.

Ms Cronk: Without getting into the detail of what they were, did you express concerns to him at that time regarding the Van Lang Centre?

Ms Pretty: Very much so, for over an hour.

Ms Cronk: You met with him for over an hour?

Ms Pretty: Yes.

Ms Cronk: Was that the first time you'd personally met him?

Ms Pretty: Mm-hmm.

Ms Cronk: During that same month, Ms Pretty, again November 1993 and the beginning of December 1993, were any efforts undertaken by others connected with the board of directors concerning your continuance as a director or your status as a director?

Ms Pretty: Well, there was an effort made by the tenants' association to remove me from the board of directors. It was a joint effort, actually, because as it turns out there was a letter sent by the president of the board of directors asking about my status as a representative on the board. The president of the tenants' association wrote back and said that because they had held an election and that I had been only on an interim committee, an executive committee, that I was being replaced by a new representative.

Ms Cronk: As matters unfolded, was the effort to remove you as a director in the fall of 1993 successful?

Ms Pretty: No.

Ms Cronk: Did you remain on the board throughout the winter and spring of 1994?

Ms Pretty: Yes, I did.

Ms Cronk: Is that the case, in so far as you are concerned, continuing today?

Ms Pretty: Yes.

Ms Cronk: Then in December 1993—

Ms Pretty: Excuse me. Apparently, and I've only been notified, there was a meeting held on Sunday which I couldn't attend because I was on a plane coming here. The board held a meeting and dissolved the board of directors. So I have no idea what my status is at this time.

Ms Cronk: All right. Up until then, as far as you were concerned, were you still a director of the Van Lang Centre?

Ms Pretty: Yes.

Ms Cronk: Just so the record is clear, Mr McKinnon was good enough to suggest some caution to you in that

answer. I take it you have some information available to you but not full details as to what occurred on Sunday?

Ms Pretty: It's just hearsay. It's something that I heard through a reporter.

Ms Cronk: I see. You have no formal indication from the board then one way or the other?

Ms Pretty: No.

Ms Cronk: Just to deal with that now so there's no confusion about that, did you receive a formal notice of any kind as a director that there was to be a meeting on Sunday, August seventh?

Ms Pretty: Yes.

Ms Cronk: Did that notice deal with your status as a director?

Ms Pretty: Yes.

Ms Cronk: Was it proposed in that notice that there be a resolution for your removal?

Ms Pretty: Mm-hmm.

Ms Cronk: Your removal only or that of other directors as well?

Ms Pretty: Only me.

Ms Cronk: Do you have a copy of that notice with you here today at the hearing?

Ms Pretty: I think we're talking about two things here. There was a notice to remove me as a director that happened just before the June 17th meeting with Evelyn Gigantes.

Ms Cronk: Yes, and we'll come to that. Was there a second?

Ms Pretty: There was another notice sent to me that they were going to hold the annual general meeting in which they would dissolve the board and elect new directors, and that proceeded on the seventh when I couldn't attend.

Ms Cronk: I see. Thank you for clarifying that. So just to make sure that I have it correctly, what occurred as you understand it last Sunday, just two days ago, was the annual general meeting of the Van Lang Centre?

Ms Pretty: Yes, that's what they called it.

Ms Cronk: And one of the items to be dealt with was the issue of who was on the board of directors?

Ms Pretty: Yes.

Ms Cronk: So it wasn't specific to you, but it certainly dealt with the board of directors, is that right?

Ms Pretty: Mm-hmm.

Ms Cronk: Do you have a copy of that notice with you here today?

Ms Pretty: I should have it somewhere in my files.

Ms Cronk: Perhaps at the break I can make arrangements through Mr McKinnon to obtain a copy of that.

Ms Pretty: Sure. Okay.

Ms Cronk: Just to come back then so that you and I are clear about the time frame we're talking about, we had moved through November of 1993 up until December. Did you in the month of December 1993 have occasion to meet again with representatives of the Ministry of Housing in Ottawa?

Ms Pretty: In December, I met with the Housing authorities many times.

Ms Cronk: Did you meet with Brian Sutherland again during the month of December?

Ms Pretty: I called him on the first to talk about—I decided that in my capacity as vice-president, I would call an emergency meeting, because I had been insisting on dealing with core issues of tenant access and participation and they weren't being recorded in minutes; they weren't being acknowledged. I was having a lot of trouble being heard by the board. So I decided, so there wouldn't be any excuse that there's not enough time during our meetings to discuss these core issues, I would call an emergency meeting, which I tried to do, and nobody came.

Ms Cronk: When did you call that emergency meeting?

Ms Pretty: I believe it was the—I'm terrible with dates.

Ms Cronk: Was it on or about November 29th? Does that sound about right, the end of November?

Ms Pretty: The end of November, probably.

Ms Cronk: Do you recall—I'm sorry, I don't mean to cut you off, Ms Pretty.

Ms Pretty: I'm just trying to look through here. There were so many things happening, it's hard to keep everything straight.

Ms Cronk: Well, whatever the date of that effort on your part to call an emergency meeting of the board, after the date of that meeting came and went, did you meet again with Brian Sutherland?

Ms Pretty: Yes, on the ninth of December.

Ms Cronk: And did you express concerns that you had to Mr Sutherland again at that meeting?

Ms Pretty: Yes. I said to him that I was very concerned that we had incompetent staff and that there were some irregularities going on and we really needed to look into it. I was concerned that there was no operating agreement between the Ministry of Housing and the board of directors. I was also concerned that we had no directors' liability.

Ms Cronk: Insurance?

Ms Pretty: Yes, because of the fact that there was a civil suit launched against a couple of members—well, one staff and one board member—I realized that I was vulnerable as the director and I wanted to make sure that the directors' liability was looked after.

0930

Ms Cronk: And you met with Mr Sutherland on December the ninth for those purposes?

Ms Pretty: Yes.

Ms Cronk: Did you in that month as well ask Mr Sutherland or a representative of his offices to attend the next meeting of the board of directors?

Ms Pretty: Yes.

Ms Cronk: In that month, on December 30th, was there a board meeting attended by a representative of the Ministry of Housing?

Ms Pretty: Yes. Actually, it was Brian Sutherland himself. He showed up unexpectedly.

Ms Cronk: When you say "unexpectedly," I take it you didn't know that he was coming.

Ms Pretty: No, I didn't. I had urged him to come. I had sent a couple of memos and had written a letter in December to him, wishing him a merry Christmas and reminding him about our December meeting, saying, "Please send someone or please come yourself to attend this meeting."

Ms Cronk: When you went to the meeting, did Mr Sutherland also attend?

Ms Pretty: Yes, he walked in just as the meeting was beginning.

Ms Cronk: Could I ask you to take a look at exhibit 2, which is not the volume you're in now; it's a different black binder. It's exhibit 2.

Ms Pretty: Okay.

Ms Cronk: If you could go to tab 22.

Ms Pretty: Yes, that's it.

Ms Cronk: Is this the letter that you sent to Mr Sutherland towards the end of December 1993?

Ms Pretty: Yes, December the 21st, 1993.

Ms Cronk: In this letter, did you request that one of his representatives be present at the December 30th meeting of the board?

Ms Pretty: Yes.

Ms Cronk: Judging from the last two words of your letter, which read "Please respond," you were asking for an indication of whether that would occur.

Ms Pretty: Yes.

Ms Cronk: I take it, when you arrived at the meeting, he had responded in the sense that he personally came and attended the meeting.

Ms Pretty: Yes, that's the first response he gave me.

Ms Cronk: First response to this letter?

Ms Pretty: Yes.

Ms Cronk: On December 22nd, did you also write to the Minister of Housing?

Ms Pretty: On the 22nd?

Ms Cronk: Do you recall doing that?

Ms Pretty: Of—

Ms Cronk: December.

Ms Pretty: December?

Ms Cronk: About Christmas time.

Ms Pretty: Yes, I did. It was a similar letter, wishing her a good holiday and just updating her on what was happening at the centre.

Ms Cronk: At that point in time, that is, the end of December, Ms Pretty, had you received any response from the Minister of Housing to your letter to her of October 29th?

Ms Pretty: No.

Ms Cronk: Had you received any contact from any representative of the Minister of Housing concerning that letter to her?

Ms Pretty: I had sort of phoned a couple of times to jar their memory and find out why nobody had responded to my lengthy letter to her on October the 29th. But the only thing that I was told, mainly by Sue Lott, her assistant, was that Evelyn had pulled my letter out of the normal channels. I assume it would be to go to Marc Collins or Newton Vanriel or somebody in Toronto. They were going to look at it and deal with it.

Ms Cronk: When did Ms Lott tell you that? Do you recall?

Ms Pretty: I'm not sure exactly. It would be around the time that you were just speaking of.

Ms Cronk: I was speaking of December 1993.

Ms Pretty: Yes.

Ms Cronk: Is that when you think you received that information from Ms Lott, or was it earlier or later than that?

Ms Pretty: On the second, I called about having no reply to my letter and Sue Lott mentioned Marc Collins to me. He's the ROH adviser, I guess policy adviser, who would talk to Evelyn about it.

Mr Robert Chiarelli (Ottawa West): On the second of January or December?

Ms Pretty: December.

Ms Cronk: Had you ever heard the name Marc Collins before?

Ms Pretty: No.

Ms Cronk: Had you dealt with him in any way, in writing or otherwise?

Ms Pretty: No.

Ms Cronk: What did you understand Ms Lott was telling you?

Ms Pretty: She just indicated that my letter had been taken special notice and that they were going to deal with it. So I felt a little bit relieved.

Ms Cronk: Could I ask you to look at tab 26 of the same volume, exhibit 2, which you have in front of you. This contains a number of documents, Ms Pretty. The first one is a fax cover sheet from Sue Lott to Marc Collins, and I'm not interested in that at the moment. Then there are a number of attachments to it, and the first attachment is a letter dated December 22, 1993. Do you have that?

Ms Pretty: Yes.

Ms Cronk: All right. And is that a letter from you to Ms Gigantes?

Ms Pretty: Yes, it is.

Ms Cronk: And did you send it to Ms Gigantes on or about that time?

Ms Pretty: December the 22nd.

Ms Cronk: In the last paragraph of the letter, did you deal with the issue of your outstanding letter of October 29?

Ms Pretty: Yes I did, as well as the fact that things were happening as far as Michael Séguin was concerned—

Ms Cronk: And who is—sorry again; I didn't mean

to cut you off. Who is Michael Séguin?

Ms Pretty: Michael Séguin is a tenant at the Van Lang Centre who was elected by the tenants' association in my place as vice-president.

Ms Cronk: And did he remain as vice-president of the association?

Ms Pretty: No.

Ms Cronk: Did he withdraw from that appointment?

Ms Pretty: He sure did.

Ms Cronk: Did you provide the minister, under cover of your letter of December 22, with information about that?

Ms Pretty: Yes. I sent a copy of his letter to the president of the tenants' association resigning from his post because he felt that he had been parachuted into the position and that he didn't like the way they had treated me as their vice-president. He said, "I cannot, in good conscience...serve in a position where my integrity will be compromised."

Ms Cronk: Now, I take it you were reading a document when you just said that?

Ms Pretty: Yes, I was just reading Michael's letter of December the 21st to Mr Tuyen Huynh, the president of the tenants' association.

Ms Cronk: If the committee looks at the second attachment at this tab, tab 26, is that the letter from Mr Séguin you were just quoting from?

Ms Pretty: Yes, it is.

Ms Cronk: All right. As I understand it then, Ms Pretty, at that point, that is, as at December 22nd, you had personally written to Ms Gigantes twice, that is, on October 29 and again by this letter. Is that correct?

Ms Pretty: Mm-hmm.

Ms Cronk: Were those the only communications that you had had directly to her attention at that point?

Ms Pretty: I believe so.

Ms Cronk: And then, as you've indicated to the committee, there was a board meeting of the Van Lang directors at the end of December, attended by Mr Sutherland?

Ms Pretty: Yes, on the 30th.

Ms Cronk: Was there in progress at that time, as far as you knew, Ms Pretty, a compliance review with respect to the Van Lang Centre?

Ms Pretty: I believe so.

Ms Cronk: Would I be correct in suggesting to you that on February the eighth, 1994, the results of that compliance review were presented to the board of directors of the Van Lang Centre by representatives of the Ministry of Housing?

Ms Pretty: Yes, I attended that meeting.

Ms Cronk: Who were the representatives of the Ministry of Housing in attendance at the meeting? Do you recall?

Ms Pretty: Bill Clement and Steve—what's his last name?

Ms Cronk: Could I suggest "Shapiro"?

Ms Pretty: Shapiro, that's it.

Ms Cronk: Am I right in that?

Ms Pretty: Yes. I have "S" there.

Ms Cronk: I can suggest all kinds of things, but it's important that you indicate if it's correct or incorrect. Was it Mr Shapiro?

Ms Pretty: It was.

Ms Cronk: Okay. Had you met Mr Shapiro before that February eighth board meeting?

Ms Pretty: I think he came around on a tour of the building once, but I didn't really know who he was or anything. I was just sort of—I didn't really meet him formally; I just knew of him.

Ms Cronk: Did you know what position he held with the Ministry of Housing?

Ms Pretty: Not particularly; I just knew he was with the Ministry of Housing.

Ms Cronk: Okay. That meeting occurred at the beginning of February 1994. Had you been aware, in your capacity as a director or as a tenant of the centre, prior to that that this compliance review was under way?

Ms Pretty: Yes.

Ms Cronk: You knew that. You weren't surprised by it being presented at that meeting?

Ms Pretty: Yes, because—well, Evelyn had said to Trinh that she was waiting for the compliance review. Everybody seemed to be waiting for the compliance review and it dragged on and on. So I was aware of it being compiled by the MOH.

Ms Cronk: And when you say that Evelyn had told Trinh that she was waiting for the compliance review, is that something that Trinh Luu told you?

Ms Pretty: Yes.

Ms Cronk: The committee has before it, Ms Pretty, a letter from Ms Gigantes to Ms Trinh Luu dated December the sixth, 1993. I'm sorry to ask you to be flipping around these—

Ms Pretty: Sorry?

Ms Cronk: I'm sorry to ask you to do this, but if you could leave that one open, could you also get volume 2 of exhibit 1 back in front of you and perhaps just put it on top for the moment. It's sort of awkward; I'm sorry.

At tab 14, this is a letter dated December sixth, 1993, from Evelyn Gigantes to Ms Luu. Did you see this letter on or about the time that Ms Luu received it? Do you remember?

Ms Pretty: I don't know if it was at the time she received it, but I certainly have seen it since.

0940

Ms Cronk: All right. And did she tell you that she'd heard from the minister in respect of her letter to her of November eighth?

Ms Pretty: Yes.

Ms Cronk: Your understanding, I take it, from that discussion with her was that Ms Gigantes was waiting for the compliance review?

Ms Pretty: Yes.

Ms Cronk: Once the compliance review was presented to the board in early February, did you personally have concerns with some of the findings or observations made in it?

Ms Pretty: Yes.

Ms Cronk: And on March 1, 1994, as I understand it, you wrote to Brian Sutherland?

Ms Pretty: Mm-hmm. I wrote a detailed report to Brian on the first of December—or the first of March, I should say.

Ms Cronk: And again, without getting into the details of what your concerns were, would it be fair of me to suggest that you've set out in some considerable detail a number of concerns that you had about the Van Lang Centre?

Ms Pretty: It was a long letter.

Ms Cronk: All right. That's why I wanted you to keep exhibit 2. Could you look at exhibit 2?

Ms Pretty: Is this it up here?

Ms Cronk: Tab 33. I think you're actually in volume 2 at the moment. I think you may have to go underneath that. Sorry to be flipping.

Ms Pretty: So many books. Tab 33?

Ms Cronk: Yes. Is this the letter of March 1, 1994, that you sent to Mr Sutherland?

Ms Pretty: Yes, it is.

Ms Cronk: And in this letter, did you refer to your earlier discussions and meetings with him on November the eighth or ninth and December the ninth, 1993?

Ms Pretty: Yes.

Ms Cronk: As a result of those meetings that you'd held with Mr Sutherland in November and December 1993, did you have any understanding as to whether he was going to take any action in respect of your concerns?

Ms Pretty: Well, he had earlier promised me that he was going to launch an investigation.

Ms Cronk: When did he promise you that?

Ms Pretty: That was on the meeting of the ninth.

Ms Cronk: Which ninth?

Ms Pretty: The ninth of November—pardon me, the ninth of December, 1993. I had met with him at his office and he said he would launch an investigation on three fronts, on board organization, on funds and on staff, and I never saw any indication of that investigation. I never heard any more about it.

Ms Cronk: When you met with Mr Sutherland on December the ninth, did you meet with him alone or were you—

Mrs Margaret Marland (Mississauga South): Excuse me, Ms Cronk, is it December the ninth or is it November the ninth?

Ms Pretty: December the ninth.

Ms Cronk: Just to clarify this point so that we're clear as we go along, Ms Pretty, do I understand you to have told the committee that you met with Mr Sutherland on two occasions, on November the eighth or November the ninth, and in addition on December the ninth?

Ms Pretty: On the ninth of December I met with him.

Ms Cronk: Did you also meet with him on November the ninth?

Ms Pretty: I met Bill Clement, I believe in November.

Mr McKinnon: November 24th she said she saw him.

Ms Cronk: Excuse me, Mr McKinnon, I'm grateful for your help, but I would like Ms Pretty's recollection.

Ms Pretty: Yes, I just found it. On the 24th of November I met with Bill at his office, and at that meeting I asked him for clarification on the certification of Tung, our superintendent, because there were questions of his competence.

Ms Cronk: It's important then that we clarify this, because I may have misdirected you as to part of the chronology. If you look at the first paragraph of your letter of March the first—that's the one in front of you—does it suggest a meeting with Mr Sutherland on November the ninth?

Ms Pretty: On the ninth, yes.

Ms Cronk: But the ninth of November?

Ms Pretty: Mm-hmm.

Ms Cronk: And in addition, in paragraph 2 on the first page, does it suggest a promise by Mr Sutherland on November the ninth?

Ms Pretty: Yes.

Ms Cronk: And that promise relates to an official investigation?

Ms Pretty: Yes.

Ms Cronk: No doubt that's why Ms Marland, looking at the letter, has raised the issue of when the promise was made.

Ms Pretty: Yes, I can see why you're confused. I am too.

Ms Cronk: I'm not sure much turns on when it occurred, but do you remember having a meeting with him on November the ninth—

Ms Pretty: Yes, I do.

Ms Cronk: And looking over at page 2 of your letter, if you could just flip, under the first paragraph—

Mr McKinnon: Ms Cronk, page 2 is not reproduced.

Ms Pretty: It's not there.

Mr McKinnon: They've reproduced page 1 twice, front and back.

Ms Cronk: I beg your pardon. May I show you page 2? We're making a note as we go along of these photocopying errors. I apologize to everyone for that. I'm not going to tell you I did it personally, but I'm going to get you copies.

Can I show you page 2 of your—I'm just standing beside you so that the mike can pick this up. Under the first paragraph on page 2, it's entitled "A Written Acknowledgement of My Concerns." Is that correct?

Ms Pretty: Yes.

Ms Cronk: And in that paragraph, do you suggest that you met with Mr Sutherland again on December the ninth, 1993?

Ms Pretty: Yes.

Ms Cronk: So what I'm suggesting to you, and I'm asking for your confirmation one way or the other, is, did you meet with him both on November the ninth and, as well, on December the ninth, which is what this letter seems to be suggesting? Or do you remember?

Ms Pretty: I only remember one significant meeting with him.

Ms Cronk: Which was that?

Ms Pretty: The November one.

Ms Cronk: And why do you regard that meeting as having been significant?

Ms Pretty: Because we had a long, long meeting, and I discussed a lot of my concerns. I was aware that I was being removed from the board, that there was an effort being made to remove me from the board of directors, and I was aware of the fact that I couldn't get free access to documents for me to make informed decisions as a director. I was having a lot of trouble dealing with the board. I was experiencing a lot of frustration with being treated in a patronizing manner and I felt as if I had absolutely no power at all. And so I had to resort to going to the ministry, first to Bill, which didn't get me anywhere, and then to Brian, and then Brian showed up on the 30th, and I thought that was when our problems were solved.

Ms Cronk: Looking still at this letter, on the first page of it, paragraph 2, in that paragraph, as I read it, and please tell me if I'm reading this correctly, you appear to be seeking a written confirmation from Mr Sutherland of the actions that you indicate he said he would take.

Ms Pretty: That's right.

Ms Cronk: And that is with reference, as Ms Marland points out, according to this letter, to the meeting you had with him on November the ninth. That's what the paragraph suggests.

Ms Pretty: It seems to me that I must've made some kind of an error in transcribing the date on when our meeting was, but it was November the ninth.

Ms Cronk: Is it on or about that time, at that meeting, that, as you recall events, Mr Sutherland promised you that an investigation would be undertaken?

Ms Pretty: Yes.

Ms Cronk: And that investigation was to concern three matters or three fronts that you set out in this paragraph.

Ms Pretty: Yes, three fronts.

Ms Cronk: "Board organization, board's management of funds, and staff hiring practice."

Ms Pretty: Right.

Ms Cronk: Could I ask you to look at page 19 of the same letter. Please understand, Ms Pretty, because I am not asking you questions about the very lengthy matters dealt with in your letter, that does not signify a lack of awareness about them. But do you understand that the matters directly at issue for this committee are those that occurred in June of 1994?

Ms Pretty: Yes.

Ms Cronk: All right. With respect, though, to what was happening in the spring and what you were telling Mr Sutherland in this letter, at page 19 I direct your attention to the second-last paragraph. Did you, in that paragraph of this letter, suggest to Mr Sutherland that if no action was taken, then the public at large should learn what you described as "what happened" at the Van Lang Centre?

Ms Pretty: Yes, I did.

Ms Cronk: That paragraph reads:

"This is my last attempt to request the ministry's response to my concerns, intervention and positive actions. If I find out that my time has been wasted again, that all my reports, complaints, actions were undertaken in vain, why should I come to you any more? If no action is taken, then the public at large should really learn about what happened."

Just looking at that paragraph, were you intending to suggest in that paragraph, Ms Pretty, that if you did not receive a response which you regarded as satisfactory, you would take the matter public?

Ms Pretty: Yes.

Ms Cronk: And had you in fact suggested that on any earlier occasion to representatives of the Ministry of Housing or of the minister's constituency office in Ottawa? Or do you remember?

Ms Pretty: By November—I had been trying to go through the proper channels. I didn't want to go to the media. I didn't want to have to go to the courts. That was my last resort. I guess maybe at this point it was just a threat. I wanted to see whether that would move them, and I guess it did, because Brian showed up on the 30th.

0950

Ms Cronk: That was back in the fall. Was this then the second time, at least, when you were raising this issue, that is, the possibility of going public?

Ms Pretty: I'm not sure how many times I mentioned it, but in that month I started to say: "This is probably my last resort. If I can't get any action from the ministry then I'm going to go public."

Ms Cronk: As I understand it, on March the fourth, that is, just three days later, you and Ms Trinh Luu jointly wrote a letter to Ms Gigantes, the Minister of Housing, is that correct?

Ms Pretty: Yes.

Ms Cronk: If I could ask you to look at tab 25, volume 2, is this the letter that Ms Luu and yourself sent to Ms Gigantes? It's dated March fourth.

Ms Pretty: Wait a minute. Where am I here?

Ms Cronk: You should be at tab 25.

Ms Pretty: Okay, March fourth. Yes. There's two letters in that tab. Oh, many letters.

Ms Cronk: Both of the letters should be dated March fourth. It's just another copy of it. Is this the letter that you sent to the minister with Ms Luu?

Ms Pretty: Yes, it is. You say both of the letters should be dated March fourth? I have a March first letter to Brian Sutherland also in that tab.

Ms Cronk: And that's just a duplicate copy of the letter we looked at a moment ago, is that correct?

Ms Pretty: Yes.

Ms Cronk: So on March 1, you wrote to Brian Sutherland, the letter we've just looked at?

Ms Pretty: Mm-hmm.

Ms Cronk: And then on March fourth, you wrote as well to the minister, together with Trinh Luu?

Ms Pretty: Yes.

Ms Cronk: In this letter of March fourth, as I read it, and please indicate if I'm reading it incorrectly, you and Ms Luu quite specifically were requesting what you described as "a special and urgent meeting" with the minister?

Ms Pretty: Yes.

Ms Cronk: According to paragraph 2 of this letter, it's suggested that that meeting was "in order to expose evidence of Can Le's continuing defiance of the above vital issues to carry out his erroneous vision of the project development." Then you go on to speak further about Dr Can Le. That's in paragraph 2 of the letter of March fourth. Do you see where I'm reading? The second paragraph of the letter of March fourth.

Ms Pretty: Yes, I see it. Okay.

Ms Cronk: All right. From your perspective and Ms Luu's at that time, that is, on or about March fourth, did you regard the matter as urgent?

Ms Pretty: Of course.

Ms Cronk: Had you at that point received any reply from the Minister of Housing to your earlier letter to her of October 29th?

Ms Pretty: No.

Ms Cronk: What triggered this particular letter of March fourth?

Ms Pretty: They were trying to remove me from the board.

Ms Cronk: That had been true the preceding fall, had it not?

Ms Pretty: Yes. They tried twice.

Ms Cronk: And when was the second effort to do that?

Ms Pretty: You'll have to excuse me for a second.

Ms Cronk: Okay. Did that occur in the early winter?

Ms Pretty: Yes. For some reason, I didn't write it down here.

Ms Cronk: When you say "here," you're looking at a handwritten chronology?

Ms Pretty: I'm looking at my own notes, yes. I'm looking at my own notes, but actually I have a better chronology that I could look at.

Ms Cronk: Again, Ms Pretty, I'm not sure that anything turns particularly on the date.

Ms Pretty: Well, I'm starting to feel like my head's empty or something here, without being able to say a few dates.

Ms Cronk: I'm sorry, I don't mean to make you feel that way. I think what is important for the committee is

that they understand what caused you and Ms Luu, from your perspective, to write this letter. As I understand it, what you're saying is, whatever the date of it was, there was a second effort to remove you from the board.

Ms Pretty: Yes.

Ms Cronk: And that was one of the reasons that you wrote?

Ms Pretty: Yes.

Ms Cronk: Was another reason related to the compliance review and your concerns about it?

Ms Pretty: Yes, because there were a lot of discrepancies in the compliance review that I could see. They didn't address the superintendent's incompetence, for one thing, and I could see that there had been a lot of smoothing over done.

Ms Cronk: And had you provided a copy of your March first letter to Mr Sutherland to Ms Gigantes? According to my copies of it, it appears that it was cc'd to Mr Sutherland.

Ms Pretty: Oh, yes. By that time I was cc-ing everything to Evelyn.

Ms Cronk: When you did that with Ms Gigantes, where did you send the letters? Were you sending them to Ottawa or Toronto?

Ms Pretty: Ottawa. Any time I sent my letters I would send them off to either—sometimes both Newton Vanriel or Marc Collins.

Ms Cronk: For example, on your letter of March first to Mr Sutherland, it appears to be copied both to Marc Collins and Newton Vanriel.

Ms Pretty: Yes.

Ms Cronk: By that time, that is, the spring, were you routinely or only sometimes copying your letters to Mr Collins?

Ms Pretty: The more important ones went to him, what we felt was significant. Anything that Trinh wrote, anything that I wrote, went to her staff in Toronto as well as Ottawa.

Ms Cronk: When you sent letters directed to her name personally, you sent them to the constituency office in Ottawa, is that correct?

Ms Pretty: Mm-hmm.

Ms Cronk: Who did you understand Mr Vanriel to be?

Ms Pretty: One's a case worker and the other one is a policy adviser, and I get the two of them mixed up. I've never met the gentlemen at all, so I don't know.

Ms Cronk: Why did you start sending copies of your letters to Mr Vanriel?

Ms Pretty: Well, because with my letter of October the 29th Sue Lott, Evelyn's assistant, had told me about Newton Vanriel, and the name Marc Collins came up as well during inquiries about why I hadn't gotten a response to my letter from Evelyn, so I realized that these two people were ones who were dealing with her correspondence and with any problems in the ministry and that they were important people to make sure I got information to.

Ms Cronk: Did you ever discuss any of your concerns regarding the Van Lang Centre with Mr Vanriel?

Ms Pretty: In a phone conversation. Very early on I talked to him in Toronto.

Ms Cronk: Mr Vanriel or Mr Collins?

Ms Pretty: I am not sure which one I talked to now.

Ms Cronk: One of them?

Ms Pretty: Yes, one or the other.

Ms Cronk: Okay. You told the committee, Ms Pretty, that back at the beginning of December 1993, in a discussion that you had with Sue Lott, she had told you that your letter of October 29th to the minister had been set aside to be dealt with. Do you recall that?

Ms Pretty: That's right.

Ms Cronk: Did she tell you why that had occurred, why they did that?

Ms Pretty: Not really; I don't remember whether she said why. She recognized that the issues that we were raising were important, so she just said it had been pulled out of the regular channels and it was going to be dealt with by someone in Toronto.

Ms Cronk: By the time that you were writing this letter of March fourth, 1994, to the minister, had you followed up with Ms Lott or anyone else at the constituency office to see why there'd been no reply?

Ms Pretty: I did a couple of times. I phoned and I'd say, why? Whenever I sent a letter to Evelyn's office, I would remind them about my October 29th letter and say, "Why haven't I received a reply?"

Ms Cronk: And did you receive any explanation for why you hadn't?

Ms Pretty: No.

Ms Cronk: Then after March fourth, as I understand it, you again wrote to Mr Sutherland, this time on March 20th. Does that ring a bell?

Ms Pretty: Yes.

Ms Cronk: I don't know if you're now in exhibit 2 or not, but could you look at exhibit 2, tab 36. Do you have that?

Ms Pretty: Yes.

1000

Ms Cronk: Is this a copy of your letter to Mr Sutherland of March 20th?

Ms Pretty: Yes, it is.

Ms Cronk: And in that letter are you raising issues about access and tenant participation, and as well the findings of the compliance review?

Ms Pretty: Yes.

Ms Cronk: All three matters?

Ms Pretty: Yes.

Ms Cronk: And was this letter as well copied to Ms Gigantes?

Ms Pretty: Yes, it was sent to Evelyn Gigantes, Marc Collins and Newton Vanriel.

Ms Cronk: And in the last paragraph, there is mention made of a special board meeting—I'm sorry, of

a board meeting—to be held on March 29th, 1994, and you appear to be requesting that Mr Sutherland personally attend that meeting. Am I reading it correctly?

Ms Pretty: Yes.

Ms Cronk: And you were suggesting that vital issues of concern by the ministry at the Van Lang Centre would be identified and resolved. Is that correct?

Ms Pretty: Mm-hmm.

Ms Cronk: And those, I take it from your letter, from your point of view, related to what you considered the fundamental core issues?

Ms Pretty: Yes.

Ms Cronk: Now, Ms Luu has given evidence before the committee as to what she meant when she used that term. It appears in a number of letters over your signature as well. What did you mean when you referred in your correspondence with the ministry to “core issues” or “the two fundamental core issues”? What were you meaning?

Ms Pretty: Well, first of all, with access to the Van Lang Centre, my interpretation of that is that it's supposed to be a place where people can have affordable housing and that it should be non-discriminatory according to race, sex, age, or whatever. And we have a commitment to the OCRHA people that we place a certain number of needy people in our building, and for a whole year while I lived there, I noticed that there were nothing but Vietnamese people any time there was a vacancy. I noticed there were no non-Vietnamese people coming into the building, and it made me start to wonder why. That was my concern about tenant access.

And in terms of tenant participation, I found that the tenant association—I had nothing to do with drafting the constitution. I wish I had, because it never would exist the way it does now. It's not a democratic constitution. The way the whole constitution is constructed is unfair. It's not taking into account that there are other people besides Vietnamese people in the building who require a voice. The way they set up the voting power was that two thirds of the vote of the members of the TA were required in order to pass any resolutions, and if there's 150 people in the building and there's only maybe seven or 10 or 12 non-Vietnamese people, if we had an issue that we wanted to raise, we could never get enough votes to pass it.

Ms Cronk: So that when you referred to, variously, either “fundamental core issues” or “the two core issues,” you were referring both to tenant access and tenant participation as you've just described them?

Ms Pretty: Yes.

Ms Cronk: Based on this letter, then, Ms Pretty, and what we've been talking about, in the month of March, you wrote on March first to Brian Sutherland, you wrote with Ms Luu to the minister on March fourth, and you wrote again to Mr Sutherland on March 20th. Did Mr Sutherland reply to these letters?

Ms Pretty: I got a reply at the end of March from Brian.

Ms Cronk: Sorry, your voice trailed just a bit there. I missed the end of what you said.

Ms Pretty: I think it was the end of March. I didn't have to wait very long for Brian's reply. It only took maybe three weeks or so for him to get back to me.

Ms Cronk: All right. Could I ask you to flip to tab 39 in the same volume. There's a letter there dated March 25th, 1994. This is still in exhibit 2, tab 39. It appears to be from Brian Sutherland to you.

Ms Pretty: Yes.

Ms Cronk: Is this his reply?

Ms Pretty: Yes.

Ms Cronk: All right. So that in the context of your March first letter, his reply was within, as you suggested a moment ago, three weeks or so, and in the context of your March 20th letter, it was within five days or thereabouts.

Ms Pretty: Excuse me. Can you ask people to stop whispering so loud? I'm getting—

Ms Cronk: Mr Chair, I wonder if we could have your assistance.

The Chair: Could we stop the private conversations going on. Thank you.

Ms Pretty: I'm getting very distracted by it.

Ms Cronk: The question I was putting to you, Ms Pretty, was that in the context of your March first letter to Mr Sutherland, it was three weeks or so before you received a reply, as you suggested just a moment ago.

Ms Pretty: That's right.

Ms Cronk: And in the context of your March 20th letter, it appears to be five days or so by the date of his reply. It's dated March 25th and you'd written to him again on March the 20th.

Ms Pretty: Yes, that's right.

Ms Cronk: And this letter of March 25th, as I read it, is a reply both to your—

Ms Pretty: To the first and the 20th.

Ms Cronk: Exactly.

Ms Pretty: Yes.

Ms Cronk: All right. In that reply, did Mr Sutherland agree, as you read the letter, to conduct an investigation?

Ms Pretty: He said that they “are emerging principles of the ministry” and he acknowledged there were a number of complaints that were being brought to their attention. He was aware of the access to documents, and he said that most of it was beyond the bounds of the ministry's control. “Little else can be done....Some of the other observations you make are considered personal and will not be commented on.”

And then at the end, I was insulted by his remark that they were disappointed at the ministry at the acrimony and the considerable antagonism that exists at the board level. So I felt as if I was being chastised like a bad little girl.

Ms Cronk: Leaving aside the way in which it was expressed or the fact that it was said—let's put that aside for the moment—is it correct that by that point in time, by the spring of 1994, indeed even earlier, that there was considerable acrimony at the board level?

Ms Pretty: Yes. And it was simply because the board would not address those core issues. I called a special meeting; nobody came, not even the ministry. I phoned, I wrote, I did everything that I could to get somebody to listen to me, and they wouldn't listen to me. I went through all the channels, the proper channels, to try and address these core issues, and they refused to allow me to have that meeting.

Ms Cronk: "They," meaning the board of directors?

Ms Pretty: The board. The board refused, and they didn't even record my concerns in a lot of the board minutes.

Ms Cronk: And when you say "that meeting," do you mean a meeting dedicated to the two core issues?

Ms Pretty: Yes. Yes.

Ms Cronk: All right. And would it be fair to say—at least, tell me if it isn't. But looking back on it now, would it be fair to say that really by the mid to late fall of 1993 and certainly by January of 1994, those divisions had clearly developed at the board level at the Van Lang Centre?

Ms Pretty: Very much so.

Ms Cronk: And the division concerned you on the one hand and the balance of the directors on the other?

Ms Pretty: Yes.

Ms Cronk: And was there in particular, leaving aside the reasons for it, that tension or acrimony between yourself and Dr Can Le during the course of that period of time?

Ms Pretty: I have nothing against Can Le. I don't dislike him. I just don't like what he does.

Ms Cronk: I wasn't intending to suggest it was personal in any way, Ms Pretty.

Ms Pretty: Well, it's been insinuated and used as a scapegoat all along that this is a personal conflict. It certainly is not.

Ms Cronk: In terms of the conflict and the acrimony that did exist on the board, though, during that period of time, is it fair or unfair to say that much of it was focused on the differences of viewpoint between yourself and Dr Can Le?

Ms Pretty: It was between me and the rest of the board, because Can Le didn't necessarily do all the talking. He had his group and I was alone here. They were there; I was here. That's the way it was.

Ms Cronk: Okay. With respect, though, to Dr Can Le, isn't it the case that in many of the letters that you had written to the ministry, including the letter that you had written to the minister—

Ms Pretty: Mm-hmm.

Ms Cronk: —at the end of October 1993, many of your comments were specifically directed to activities that you alleged Dr Can Le had engaged in?

Ms Pretty: True. I had pinpointed the source of the problem.

1010

Ms Cronk: In that sense, was part of the problem at the board level focused on Dr Can Le's activities, from

your point of view?

Ms Pretty: Yes, because he was the source of the problem.

Ms Cronk: Okay. Did there come a point in time in the spring of 1994 when Dr Can Le replied to some of those allegations in writing?

Ms Pretty: Yes.

Ms Cronk: All right. Could I ask you to look, again in the same volume, at tab 42. This is exhibit 2, tab 42.

Ms Pretty: Mm-hmm.

Ms Cronk: Is this a reply by Dr Can Le, addressed to your attention, concerning some of the allegations that you had made?

Ms Pretty: Yes, it is.

Ms Cronk: Including some of the allegations which you had made against him in a letter to the board of March 20th, 1994?

Ms Pretty: Mm-hmm.

Ms Cronk: Again, leaving aside the detail of the comments either of your allegations or his response, is it fair to say that in his response letter he essentially denied the allegations that you were making?

Ms Pretty: Yes, he did.

Ms Cronk: Coming back, then, to Brian Sutherland's response to you of March 25th, the letter at tab 39, if you could just flip back again for me, again leaving aside how it was said and whether it should have been said, because I understand your evidence before the committee about how you felt about that, but putting that aside for the moment, is it correct that Mr Sutherland was identifying, in this second-last paragraph of his letter on page 2, that it was, from the ministry's perspective, of major concern that that acrimony and antagonism existed at the board level?

Ms Pretty: Yes.

Ms Cronk: They were worried about it; he was telling you that?

Ms Pretty: Yes, he was worried about it.

Ms Cronk: Did he also suggest in that paragraph that because of those circumstances or that climate at the board that the business of the board was being bogged down continually?

Ms Pretty: There's no doubt about it that the business was being bogged down. I couldn't get on with anything.

Ms Cronk: Mr Sutherland specifically alluded to that problem, not directed to you but to the fact that the business of the board was getting bogged down?

Ms Pretty: Yes.

Ms Cronk: Right. The letter seems to conclude, and I'd ask you whether you can confirm this, that from Mr Sutherland's point of view as he was expressing it to you—I'm looking at the second-last paragraph on page 2 of the letter—it was his hope that what he described as "the present strife" could "be resolved internally and that the efforts of all directors" would "focus on the future direction of the corporation."

Ms Pretty: That's why I kept sending memos asking for a special meeting.

Ms Cronk: Why was that? Sorry.

Ms Pretty: So that I could resolve the strife. But the board did not respond. They didn't want to have a special meeting. They didn't want to hear what I had to say.

Ms Cronk: Were you trying to resolve those issues?

Ms Pretty: Yes, of course I was.

Ms Cronk: Then, still dealing with the month of March—I know we skipped ahead to look at Dr Can Le's reply—the evidence before the committee thus far is that during that month discussions were held with representatives of the crown attorney's office concerning the possibility of a variety of charges under the Provincial Offences Act. Were you involved in those discussions?

Ms Pretty: Yes, I was.

Ms Cronk: All right. Moving forward into April, did those discussions in March of 1994 come to the point where you swore a number of informations alleging offences by various members of the board of directors of the Van Lang Centre under the Ontario Corporations Act?

Ms Pretty: Yes, on the 25th of April I did that.

Ms Cronk: Could I ask you to look at exhibit 1. Let's go to exhibit 1 just for a change here.

Ms Pretty: Volume 1, exhibit 1?

Ms Cronk: Yes, thank you, volume 1, tab 6 of that volume, Ms Pretty. There are a number of informations and related documents set out at tab 6. Do you have it?

Ms Pretty: Yes.

Ms Cronk: All right. Do the documents at this tab include all of the informations which you swore on April 25th, 1994? In asking you that question, I recognize that there's also one that appears to have been completed by Ms Trinh Luu, but do they include all of yours?

Ms Pretty: I'm just checking, because there are a lot of other documents in between each one.

Ms Cronk: Thank you.

Ms Pretty: I'm just looking for one person's name here that I didn't see. Yes, they're there.

Ms Cronk: Sorry, I didn't hear that.

Ms Pretty: They're all there.

Ms Cronk: Thank you. They all relate, do they not, to alleged infractions of the Corporations Act in one or more ways?

Ms Pretty: They were all basically infractions of the Corporations Act, section 304(4), which deals with free access of information by corporation directors.

Ms Cronk: They all deal with alleged infractions of that section?

Ms Pretty: Yes.

Ms Cronk: Okay. That's April 25th of 1994 that these are sworn?

Ms Pretty: Yes, that's when the crown approved the charges.

Ms Cronk: All right, and that's when you formally swore the information?

Ms Pretty: Yes.

Ms Cronk: Also, at the end of April 1994, did you learn that a response from the Minister of Housing to

your letter of October 29th would be forthcoming?

Ms Pretty: Can you repeat that, please?

Ms Cronk: Okay. Did you also learn towards the end of April that you were going to receive a response from the minister to your outstanding letter of October 29th?

Ms Pretty: Learn that I was going to get a response from Evelyn?

Ms Cronk: Mm-hmm.

Ms Pretty: At that point, when I laid the charges?

Ms Cronk: Towards the end of April or the beginning of May. Did anyone call you to suggest that you were going to get a letter from her, or do you remember?

Ms Pretty: I'm having trouble with that one.

Ms Cronk: Okay, if I could help you or try to help you with that, let me ask you first: By the time you swore these informations, had you received a reply from the minister?

Ms Pretty: The only reply I got from Evelyn was on the 25th of April.

Ms Cronk: That's the same day as the charges were sworn. Could I ask you to take a look at tab 42 of volume 2 of exhibit 1?

Ms Pretty: Okay, is that volume 2?

Ms Cronk: Yes, it's exhibit 1, volume 2.

Ms Pretty: Tab?

Ms Cronk: Forty-two. There's a letter at this tab, Ms Pretty, addressed to you that appears to be from the minister, Evelyn Gigantes.

Ms Pretty: It should stand out in my mind but I guess there was so much happening that day, I just—

Ms Cronk: There's a great deal of paper here, Ms Pretty. I'm just trying to help you find it. Is this the response from the minister that you received?

Ms Pretty: Yes, it is.

Ms Cronk: Now, the letter's dated April 25th, but did you receive it on that date or several days later?

Ms Pretty: I received it a few days later and I have the envelope with a postmark, but I don't have it with me at this moment.

Ms Cronk: That's all right. The only reason I'm asking you that is, my question to you is this: At the time that you swore the informations on April the 25th, had you received a reply?

Ms Pretty: I didn't, no. No, I didn't know about this letter at all until a few days later.

Ms Cronk: So it would appear to be simply coincidence that on the day you swore the informations, that's also the date of the minister's reply.

Ms Pretty: That's right.

Ms Cronk: The other question that I'd asked you was, were you contacted by anyone from the minister's office, before actually getting her letter, to tell you that you were going to get one?

Ms Pretty: I don't think so. I got a call from her staff in Toronto, Karen Ridley, asking if I had received her letter. When was that?

Ms Cronk: It's my information—and I'll come back

to this, Ms Pretty, because I'm actually still just trying to move through the chronology here—that on or about May the third, 1994, you may have received a phone call from Karen Ridley of the minister's offices in Toronto in which it was suggested to you that a letter would be coming to you and that if you had any concerns about it, you should feel free to telephone her. Does that ring any bells?

Ms Pretty: Yes. I have the second of May.

Ms Cronk: Second of May?

Ms Pretty: Yes, that she called me, left a message. The 12th, I called her—oh, no, wait a minute. Just a minute. Is that right? Yes, I called her and then that's when she asked me whether I had received the minister's letter.

Ms Cronk: Okay. Ms Pretty, just so that there's no misunderstanding between you and me, I'm less concerned about the exact date of these things. You don't have to worry about the exact date.

Ms Pretty: Oh, that's good.

1020

Ms Cronk: What I'm trying to have you identify for the committee are the key events that occurred. So if you're not comfortable with a particular date that I'm suggesting to you, please just tell me that. Don't worry about it not being exact. It's what—

Ms Pretty: There's just so much to remember.

Ms Cronk: I understand. It's what occurred that is important.

Mr McKinnon: If I just can assist, Ms Cronk, it seems that you were suggesting that she received a phone call before she received the letter—

Ms Pretty: Yes.

Mr McKinnon: —and what the witness is saying is she received that phone call well after she received the letter confirming whether she'd received the letter.

Ms Cronk: Well, can I just clarify that, Mr McKinnon? Ms Pretty, if I could just make sure that I'm getting your evidence here on this, all right—

Ms Pretty: Mm-hmm.

Ms Cronk: —I was suggesting to you that on or about May 3, you got a call from Karen Ridley telling you that a letter would be coming and suggesting to you that if you had any concerns when you got it, you should feel free to call her. I thought you told me that your notes indicated that you got that call from her on May the second and that you then spoke with her on the 12th as well. Did I understand that right?

Ms Pretty: Yes.

Ms Cronk: So that on May the second, had you received the minister's reply letter yet or was that the first indication you had that you were going to get a letter?

Ms Pretty: I received it about three to four days after she mailed it, after it was mailed. I'd have to look at the postmark; it's in my notes.

Ms Cronk: Could I ask you to look at tab 38 to see if this is it?

Mr McKinnon: Ms Cronk, again just to clarify this, you've indicated that on May—I think my client's evidence was that on May second she received—

Ms Pretty: A message.

Ms Cronk: Excuse me, Ms Pretty. Let—

Mr McKinnon: —a message that she should phone the minister's office. She didn't phone until May 12th, as I understand it.

Ms Cronk: That's not my understanding either of what the witness—

Mr McKinnon: There wasn't a conversation on May second.

Ms Pretty: No.

Ms Cronk: Mr McKinnon, if I could ask you to let me pursue it for just a moment or two and if you have some difficulty, then at that point you can raise the matter with the Chair. That is not what I understand the witness has said nor is it my information. So if I could just pursue this for a moment and then I invite you to raise whatever concern you may then have.

Ms Pretty, could I ask you to look please at tab 38 of volume 2, exhibit 1? You got that?

Ms Pretty: From?

Ms Cronk: Sorry. It's tab 38, volume 1. This is what some people refer to as a typed e-mail message between two individuals. That's at the top of the page, but at the bottom of the page there are some handwritten notes. Have we got the right document together?

Ms Pretty: Yes.

Ms Cronk: And you'll see at the top of the handwritten notes, there's an entry there saying, "May 3/94." Do you see that?

Ms Pretty: "May 3." Yes.

Ms Cronk: It's my information, Ms Pretty, that these are handwritten notes by Karen Ridley. That entry appears to read as follows: "Called S. Pretty's office...if any concerns after receiving letter please call me."

Ms Pretty: That's right, but—

Ms Cronk: Did you get a message of that kind from Ms Ridley on or about that time, or does this help you recall that at all?

Ms Pretty: She just said, "If you have any other concerns, please call me." That's all.

Ms Cronk: That's fine. All right.

Ms Pretty: I don't remember anything about a letter.

Ms Cronk: I see. All right. You do remember getting the message, but you don't remember being told about the letter.

Ms Pretty: I got the message, but she said something about, "If you have any other concerns, please call me." That's why I took until the 12th before I called her back. I wondered why she called me.

Ms Cronk: And then looking at the balance of the note, and I'm going to come back because I have some specific questions for you about this, but just looking at that note, it seems to suggest that you did call Karen Ridley on May the 12th, that you were not happy and

that you then had a discussion with her, and we'll come back later to what that discussion was about.

The Chair: Ms Cronk, I have a question here by Mrs Marland.

Mrs Marland: Ms Cronk, when you direct us to a tab as part of the evidence that you're leading, is it in order for me to ask you, as in the case of tab 42, where there are at least three copies of the same letter—

Mr Charles Harnick (Willowdale): They're not the same. They have different stuff at the bottom.

Mrs Marland: Excuse me, Mr Harnick. Is it in order for me to ask you why the three copies are not the same nor the font is the same? The only reason I ask this is that under tab 38—pardon me, it's tab 42 in exhibit 1, volume 2, the letter from Ms Gigantes. It seems to me that the same letter appears in at least three different formats on three different fonts, and some of them are copied to Bill Clement. I'm just wondering why in our binders we have three copies of the same letter and why they are in three different formats.

Ms Cronk: May I respond, Mr Chairman?

The Chair: Yes.

Ms Cronk: Ms Marland, I'm of course not in a position to give you any evidence in the sense of an explanation for it, but as counsel of the committee, I can tell you why you have many copies of some of these documents.

Mrs Marland: Okay.

Ms Cronk: Where we as your counsel received a copy of a particular document from a number of sources, and it appeared to us to be different for any reason, whether one copy had a date stamp on it that another didn't or the font was different from another, then we gave you all the copies.

With individuals who may have personal knowledge about the matter, if the distinction is in my mind material or in Mr Hourigan's, I will be asking about that.

Mrs Marland: So what you're saying is it would be up to us to ask the authors of the letters why there are so many different editions of the same letter.

Ms Cronk: For example, Ms Marland, under some of these tabs you have duplicate copies, because one shows that a copy of the letter went to so-and-so where the original doesn't, or a copy of the original doesn't but a copy of a blind copy is there. So you may have a duplicate because it establishes that someone received it or establishes a date upon which it was received or it was simply different and I don't know why.

Mrs Marland: Thank you for clearing that up.

Ms Cronk: Could I just get the answer to the question I was asking, though, before we take a break?

The Chair: Okay.

Ms Cronk: I'm sorry, Ms Pretty. I'm not sure I'm going to be able to ask you exactly the way I said it so let me try again. Looking at this handwritten note of Ms Ridley's and leaving aside what it says, because I am going to come back to that, do you now recall having a discussion with her on or about May the 12th, 1994, as this note would appear to suggest?

Ms Pretty: Yes. I called her.

Ms Cronk: In fairness to Mr McKinnon, so that there's no difficulty—I'd never like to have a difficulty with Mr McKinnon about any matter, let alone this—as I understand where you are then in terms of what you've said in evidence to the committee, you do remember getting a message from Ms Ridley on May the third. Is that correct?

Ms Pretty: Well, I have the second, but it's in around—

Ms Cronk: On May the second or May the third?

Ms Pretty: Yeah.

Ms Cronk: Do you remember speaking to her or simply getting a message?

Ms Pretty: It was a message on my machine.

Ms Cronk: And you don't remember any part of that message suggesting to you that you were about to get a letter from the minister, but you do remember the message saying if you had any concerns you were to call her?

Ms Pretty: That's right.

Ms Cronk: Can we go this far as well, on May the 12th, you did that because you did have some concerns and you spoke to her?

Ms Pretty: That's right.

Ms Cronk: Thank you.

Mr Harnick: Excuse me.

The Chair: Yes, Mr Harnick.

Mr Harnick: You have read on exhibit number 38 the entry opposite "May 3/94 - called S. Pretty's office.... If any concerns after receiving letter please call me." There's something else written there, at least on the copy that I have. I wonder first of all if you can tell me what that is.

Ms Cronk: I'm not sure I know where you are, Mr Harnick.

Mr Harnick: On exhibit 38.

Ms Cronk: Sorry, no. Where on the document is there something else written? Are you referring to the balance of the note that I haven't read?

Mr Harnick: It says "L.M." Does that mean "Left message"?

Ms Cronk: Oh, I see. Thank you very much.

Mr Harnick: "Called S. Pretty's office. Left message. If any concerns...." There's no indication based on that entry that that was received directly or that that call went directly to Sharron Pretty.

Ms Cronk: Can we put that question to you, Ms Pretty, because of course I don't know the answer and I can't help that and I thank you for the indication.

Mr Harnick: Okay. You see, she seems confused, quite frankly, about the sequence of events and whether a call was received, and now it appears that there was a message that was left.

Ms Cronk: Excuse me, if I could just pursue this with the witness so that we have her evidence.

Mr Harnick: Okay.

Ms Cronk: I'm grateful for the point. If those initials

are "L.M.," and I don't know that they are but Mr Harnick is putting a certainly legitimate interpretation on the initials that appear there, can you help us at all as to what you actually remember, whether you got a message or whether you spoke with her?

Ms Pretty: I remember getting a message.

Ms Cronk: All right, you remember getting a message.

Ms Pretty: Yes.

Ms Cronk: You don't remember speaking with her?

Ms Pretty: I spoke with her on the 12th.

Ms Cronk: On the 12th, okay.

Mr Harnick: Now, that's my next question, and I apologize for intervening again, but when I look at the handwriting from the "May 3/94" and the "May 12/94," there is a consistency in the way the date is written down in each case. But if you take a look at the handwriting for the balance of the message, it does not appear to be at all the same as the message on May the third. I don't know whether anything turns on it.

Ms Cronk: Mr Harnick, it would be totally inappropriate for me to comment on your interpretation of handwriting. I understand the point that you're raising. All I can obtain for you and for the other committee members from this witness is her recollection, and I understand her to be saying that in her own notes, she had an indication on May the second, a message from Ms Ridley. My only point was that there was contact from the ministry's office before she got the response letter. Beyond that, we'll have to pursue it with other witnesses.

Mr Harnick: The other thing that I want to know, if you can tell me, is there appears to be at the bottom of that page on the right-hand side in a little box, two initials.

Ms Cronk: I should clarify that, and I'm very grateful for you pointing it out. Where you see initials in a little box like that, it was put on by our offices to identify the file from which we obtained the document.

Mr Harnick: Okay.

Ms Cronk: Right?

Mr Harnick: All right.

The Chair: We'd like to call a 10-minute recess.

The committee recessed from 1032 to 1056.

The Chair: Okay, resume our hearing here, and I'll hand it back over to Ms Cronk.

Ms Cronk: Thank you, Mr Chair.

Ms Pretty, just to clarify a little bit further the timing of your receipt of the minister's letter of April 25th, you were good enough over the break to provide me with an envelope addressed to you from the Ministry of Housing. Is this the envelope in which you received the minister's response letter?

Ms Pretty: Yes.

Ms Cronk: And could you just confirm for me that there is a mailing date stamp on that of April 26th?

Ms Pretty: That's right. It's April 26th.

Ms Cronk: On your copy of the minister's letter, did

you make a notation of the date you received it?

Ms Pretty: Yes, the 28th.

Ms Cronk: Of April?

Ms Pretty: Of April.

Ms Cronk: Thank you. Now, we were discussing the events of May 1994. What I propose to do, Ms Pretty, is to simply move through a couple of key dates with you at this point, and then I want to come back and discuss with you, obviously, the events of June in more detail. All right?

Just with the balance of the month of May, as I understand it, apart from the discussions that you had with the minister's office through Karen Ridley on May the 12th, you also—did you also, during the month of May, have contact with representatives of the opposition parties?

Ms Pretty: I didn't, no.

Ms Cronk: To your knowledge, did Trinh Luu?

Ms Pretty: Yes.

Ms Cronk: And were you aware of the contacts that she was having during that month?

Ms Pretty: Yes, she kept me informed on what she was doing.

Ms Cronk: The committee has heard evidence that on May 25th, 1994, Ms Luu travelled to Toronto and met with a Mora Thompson. Did you attend that meeting?

Ms Pretty: No, I didn't.

Ms Cronk: Were you aware that Ms Luu was coming to Toronto for that purpose?

Ms Pretty: Yes.

Ms Cronk: And had you discussed the matter with her before she came to Toronto to meet with Ms Thompson?

Ms Pretty: Yes. Actually, I considered going myself, but I couldn't because of another obligation.

Ms Cronk: During the month of April 1994, did anyone from the minister's office or the Ministry of Housing contact you with reference to a possible meeting with the minister?

Ms Pretty: I called Sue Lott, who is Evelyn's staff, and I wanted to find out whether there was going to be a meeting or not; also why I hadn't—no, forget that. I told her that I was going to go to the media if I didn't get some kind of action, to Sue Lott.

Ms Cronk: When do you recall that discussion taking place?

Ms Pretty: The 19th.

Ms Cronk: Of what month?

Ms Pretty: The 19th of May.

Ms Cronk: Okay. Could I just back you up for a month, then?

Ms Pretty: Yes.

Ms Cronk: Leave May aside just for a moment. During the month of April 1994, do you remember being contacted by any representative of the minister's office or the Ministry of Housing about the possibility of a meeting being arranged with the minister?

Ms Pretty: I got Evelyn's letter on the 25th and I don't believe that she said anything about a meeting.

Ms Cronk: Okay. You have no recollection, then, of that kind of a contact during the month of April?

Ms Pretty: Mm—

Ms Cronk: I'm not suggesting that there was.

Ms Pretty: No.

Ms Cronk: I'm just trying to clarify whether you recall anything.

Ms Pretty: No.

Ms Cronk: And then during the month of May, you were starting to indicate that you spoke with Sue Lott of the minister's constituency office?

Ms Pretty: Yeah. It was on the 19th.

Ms Cronk: Okay. I'll come back to that discussion, but did the subject of a possible meeting with the minister come up at that time?

Ms Pretty: Well, Karen Ridley, on the 12th, when I spoke with her, had mentioned that she would try and set up a meeting with the minister. I was waiting for Sue Lott to get back to me, and she never did, so I called her on the 19th and I asked her what was happening about the meeting and she said that, "Oh, the minister can't meet with you because some of these matters are in court and she can't deal with things that are in court." So that was when I sort of gave up and I figured, "Well, there's no point in dealing with the ministry at all," and that's when I started thinking, "Well, the media's the only thing left."

Mr Tim Murphy (St George-St David): Ms Cronk, sorry, I just thought I heard the witness make reference to Karen Ridley. I'm sorry, but I need to be reminded who that is again.

Ms Pretty: She's Evelyn's staff in Toronto.

Mr Murphy: Within the ministry, or political staff? Do we know?

Ms Cronk: Do you have any knowledge as to whether she's with the minister's office in Toronto or whether she's connected with the Ministry of Housing?

Ms Pretty: I think she's with Evelyn's office.

Ms Cronk: Just to assist you, Mr Murphy, if you look at exhibit 3, which I don't have in front of me, my recollection is that that's the schedule of involved persons. Subject to confirmation from later witnesses, it's my understanding that Karen Ridley is the executive assistant to the parliamentary assistant of the Minister of Housing in Toronto.

Mr Murphy: Thank you.

Ms Cronk: You're welcome. We'll come back to that discussion of May 19th, Ms Pretty, but could we stop here for a moment and may I go back and just ask you a couple of general questions about all of this time frame that we've been speaking about from August of 1993, when you came on the board, up until May, when you were having these discussions with Ms Ridley and then with Ms Lott? So can I just back up and ask you a couple of questions?

Ms Pretty: Mm-hmm.

Ms Cronk: All right. When you first came on the board of the Van Lang Centre on August the fifth, 1993, did you have any understanding at that point, yourself, as to how the board had or had not been functioning?

Ms Pretty: Not much, no. Um, I knew that there were a few problems, but I didn't know to what depth those problems went.

Ms Cronk: Had Ms Trinh Luu discussed with you, before you went on the board in August of 1993, the concerns that she had about the board?

Ms Pretty: To some extent, yes.

Ms Cronk: And over the course of the preceding year, the year that Ms Luu was working there at the centre, had you come to be friends with her?

Ms Pretty: Yes.

Ms Cronk: And did that continue during the course of the fall of 1993, although she had left and gone to law school?

Ms Pretty: Yeah, we're still friends now.

Ms Cronk: Sorry, I didn't mean to imply that you were not. I suppose the real purpose of the question is, were you in continuing close contact with her throughout the fall of 1993?

Ms Pretty: Yes.

Ms Cronk: And was that also true during the winter and spring of 1994?

Ms Pretty: Yes. I've needed her help in being able to find information so that I could contribute something to the Van Lang Centre, because I was denied access so much and there were important decisions being made at each meeting and I wasn't able to corroborate the information that I was given in order to make an informed decision. So I needed her. I needed her experience and her memory.

Ms Cronk: And her memory?

Ms Pretty: Yeah, her memory of events that, you know, pertained to the different things that I needed to know about.

Ms Cronk: And did she provide you with information and advice on those issues when you sought it over those many months?

Ms Pretty: Yes, she did.

Ms Cronk: And did there come a point in time when it might be fairly suggested that you and she were working as a team with respect to matters relating to the Van Lang Centre?

Ms Pretty: Oh, yes.

Ms Cronk: And was that—

Mr Callahan: Excuse me. I wonder if the witness could move that microphone up just a bit. I'm having trouble hearing her.

Ms Pretty: Sorry.

Mr Callahan: Thank you.

Ms Pretty: I'll try and crouch forward for you.

Ms Cronk: When would you say that really began, looking back in your own mind?

Ms Pretty: Well, I'd say when the attempts to remove

me from the board started, and Trinh was pretty upset because she knew that something wasn't right in the way that they were proceeding with that. We went to seek legal counsel and they still weren't able to spot the loophole. I was able to figure out how I could stay on the board and refused to step down. That's basically when she and I started to team up and do things together.

Ms Cronk: That, I think you indicated, was in approximately November of 1993.

Ms Pretty: Yes.

Ms Cronk: Would it be fair of me to suggest that, as that relationship developed between Trinh Luu and yourself, information that she had relating to the centre and information that you had relating to the centre was shared between you?

Ms Pretty: Yes, it's true.

Ms Cronk: Would it also be fair of me to suggest that throughout that entire fall of 1993 and really all of 1994 to date, her concerns with respect to the Van Lang Centre became yours and your concerns became hers?

Ms Pretty: Of course.

Ms Cronk: With respect to Dr Can Le, when you came on the board in August 1993, did you know him well?

Ms Pretty: I had had a few encounters with him in the activities in the building and I thought he was a really nice person. I didn't have any problems at all with him.

Ms Cronk: How would you describe your relationship with him in the first few months after you came on to the board?

Ms Pretty: It wasn't too bad really, you know. I became disillusioned quite quickly in the picture. I became a board director on the fifth of August. There was an incident that happened that day that sort of set the tone for the rest of the year, I think. But it was the way the board handled it and the way the superintendent handled it that told me that I wasn't important to the board, that what I said wasn't important to the board. I was a token Canadian.

Ms Cronk: By that, I take it you mean a token non-Vietnamese representative.

Ms Pretty: That's right. I've realized that I was given the power or the title of vice-president of the board just to look good to the Ministry of Housing, because when I tried to contribute in a productive way, I was squashed.

Ms Cronk: Is that how you felt about it?

Ms Pretty: Yes. I wasn't able to give anything to the board. I couldn't contribute anything. My remarks were not recorded, concerns were not recorded. Really strong concerns, like about safety or about disputes or anything like that, weren't addressed. My own letters to the board president were not acknowledged or replied to regarding internal regulations and things like that. I just realized after a while that I was just supposed to sit there and not say anything.

Ms Cronk: When you did go on to the board in August and during those early times on the board, did you see it as part of your purpose to carry on and monitor the concerns or issues that Trinh Luu had

identified?

Ms Pretty: Yes. I felt that Trinh made a good point that there was no voice for the non-Vietnamese tenants in the building and that there were some really big problems with whether or not the information that people were getting was true or whether they were getting information that they required. At my very second meeting, the board voted on two extremely important issues and they were misinformed by Can Le on both counts. I based my decisions on information given by him, our board secretary, and those decisions turned out to be—they placed me in a vulnerable situation. Then I found out after that we had no liability. So it was one thing after the other. It was a complete fiasco.

1110

Ms Cronk: Looking at the time frame with that in mind, you've confirmed to the committee that your first letter to the minister was written on October 29th. That's three months after you came on the board.

Ms Pretty: Mm-hmm.

Ms Cronk: That letter, again leaving aside what the actual issues were, leaving aside the details of that, sets out a very lengthy list of concerns on your part, does it not?

Ms Pretty: Yes.

Ms Cronk: Would it be fair of me to suggest then that by that time, that is within the first three months of being on the board, you had developed, based on information provided to you by Trinh Luu and your own experience on the board, some concerns about the Van Lang Centre which you regarded as very serious?

Ms Pretty: Yes.

Ms Cronk: And could we move forward then to the latter part of 1993 and the board meetings into the early winter and spring of 1994. Did you at a certain point in time begin to tape those meetings?

Ms Pretty: Yes, I had to.

Ms Cronk: Why did you have to?

Ms Pretty: Because I was receiving board minutes as a director that—first of all, I should've received, or all of us should've received, board minutes within a certain amount of time after the meeting, but we weren't given our minutes until maybe two or three days before the next meeting, so I didn't have time to review those minutes. But I started to make time, and I'd read the minutes and I'd say, "That didn't happen," or "This should be in there; why wasn't this recorded?" "This is false." And I distrusted the secretary, the way he was writing down the minutes.

I knew that I had to find a way to get an accurate record of what was actually happening and what was being said, because every time I tried to clarify something with, say, the board president or the secretary himself, they'd twist all their words around. Then after a while, you start to wonder, "Am I going crazy?" So the only way you can deal with it is to tape it.

Ms Cronk: Do you recall when you began to do that, approximately?

Ms Pretty: I believe—was it January, in around?

Ms Cronk: I don't know. Did you tape a number—

Ms Pretty: December. Oh, December, I taped Brian Sutherland's visit on December 30th, and I believe I was taping before that, so it's probably November I started.

Ms Cronk: And did you do so with the knowledge of the other directors?

Ms Pretty: Yes. It was right there in front of them.

Ms Cronk: Was that in itself a source of some irritation—

Ms Pretty: Yes.

Ms Cronk: —and controversy at the board, the fact that you were doing so?

Ms Pretty: They didn't like it, of course.

Ms Cronk: And in the spring of 1994—let's just talk about the period March, April, May 1994. You've already outlined for the committee that you had a number of discussions with representatives either of the minister's constituency office or with representatives of her staff in Toronto, at a variety of times. Am I right so far during that period?

Ms Pretty: Yes.

Ms Cronk: And did you tape a number of those telephone discussions?

Ms Pretty: Yes, I did.

Ms Cronk: Did you do so with the knowledge of the person with whom you were speaking?

Ms Pretty: No.

Ms Cronk: Did you ever tell any of them they were being taped?

Ms Pretty: No.

Ms Cronk: Why not?

Ms Pretty: Well, I never intended to use those tapes for anything other than just to help my own memory, and to make sure that I was accurate in my own statements and my own correspondence.

Ms Cronk: And did you subsequently prepare, yourself, transcripts of a number of those tapes?

Ms Pretty: I never prepared any transcripts. I didn't have the time. I was teaching, and I was also ill quite a lot through the winter due to a lot of stress. So Trinh helped me, and she did all the transcript recording.

Ms Cronk: Ms Luu did.

Ms Pretty: Yes.

Ms Cronk: All right. Also during that same period—that is, in the spring of 1994, the months of March, April and May—did you throughout that period on a number of occasions suggest either to representatives of the minister's constituency office or her office in Toronto that if your concerns were not expressed, you would have to go to the media or that you would take the matter public?

Ms Pretty: Yes.

Ms Cronk: And had you at earlier points in time suggested that as well?

Ms Pretty: Yes.

Ms Cronk: You indicated—I think it was before we took our break—that in your discussion with Sue Lott on May 19th, you really concluded after that discussion,

would it be fair of me to say, that you were unlikely to get the response that you wanted from the minister's office?

Ms Pretty: I realized I was beating a dead horse.

Ms Cronk: Was it at that point, around May 19th, that you determined to go to the media about these issues and to take the matter public?

Ms Pretty: Yes.

Ms Cronk: And then on June first, 1994, the committee has heard and has before it a copy of an article under a James Wallace's byline which appeared in the press raising certain matters relating to the Van Lang Centre. Could I ask you to look at volume 2 of exhibit 1?

Ms Pretty: I have the article right in front of me.

Ms Cronk: Oh, good; I don't. Volume 2, exhibit 1, at tabs 53 and 54. Did you see these articles at about the time of their publication, around June first?

Ms Pretty: Oh, yes.

Ms Cronk: Had you spoken with James Wallace yourself, Ms Pretty, before these articles appeared in the press?

Ms Pretty: Yes.

Ms Cronk: And did you provide him the information contained in the articles of June 1st attributed or ascribed to you?

Ms Pretty: Well, there are some quotations by me. It was a telephone interview.

Ms Cronk: When did that interview take place?

Ms Pretty: I believe it would have been—sorry, I'm starting to get a little tired.

Ms Cronk: Do you remember whether it was days before the articles or very close to the time that the articles appeared in the press?

Ms Pretty: It wasn't very long after.

Ms Cronk: And did you contact Mr Wallace initially or did he contact you?

Ms Pretty: He contacted me, and when he did he told me that he had received information from within the Ministry of Housing, and they had suggested that an anonymous—let me clarify that. It was an anonymous envelope that he had received from someone within the Ministry of Housing, providing him with all kinds of information about my correspondence and Trinh's and lots of things regarding the Van Lang Centre, and he said that the person had recommended that he call me.

Ms Cronk: Had you, prior to that call from Mr Wallace, yourself provided any information to him?

Ms Pretty: I never—

Ms Cronk: Before he called you?

Ms Pretty: No. I didn't even know him.

Ms Cronk: Could I back you up then, and ask you again to think about your discussion with Ms Ridley on May 12th? Could I ask you to turn to tab 38 again, which we were—

Ms Pretty: Of volume—

Ms Cronk: Same volume. Volume 2 of exhibit 1, tab 38. I'd like to talk to you about the discussion which

took place on May the 12th with Ms Ridley. First, did you call her or did she call you at that point?

Ms Pretty: Are you speaking about May the third or May the second?

Ms Cronk: No, May the 12th.

Ms Pretty: Oh, 12th. I called her.

Ms Cronk: Okay. And was that in reply to the message that you believe you'd received?

Ms Pretty: That I know I received.

Ms Cronk: Thank you. All right. So you called her, and during the course of that discussion, what did you discuss with her?

Ms Pretty: Basically, I told her that—she had said something about having a meeting with Evelyn. I told her that things had gone to the court, that it was pretty useless for Evelyn to have a meeting with me now because it was gone past the point. She said: "Well, I think if I were you, I would reconsider jumping the gun here. Maybe we can arrange a meeting. Can you hold on and I'll call you right back?" So she contacted Sue Lott. I'm assuming it was Sue Lott she spoke to. She phoned someone in Toronto at Evelyn's constituency office. She called me back within 10 minutes. That was the fastest reply I ever got back from the ministry. She said to me that Sue Lott would be calling me in the near future to arrange a meeting with the minister.

1120

Mr Callahan: Excuse me, can I ask, who was she talking to?

Ms Cronk: Karen Ridley. During that first telephone discussion, Ms Pretty, what specifically do you remember telling Ms Ridley about it being too late for a meeting?

Ms Pretty: I told her that the crown was pressing charges against some of the board members for illegal denial of free access of information.

Ms Cronk: Did you mention a court date to her?

Ms Pretty: Yes, I believe I told her June the second.

Ms Cronk: Looking at the notes which appear at tab 38, if I could just read a portion of them to you, beside the date May 12, 1994, they appear to read as follows, "Sharron called, not happy, said I would talk to ministry staff and get back to her." Does that in part reflect what occurred during your first telephone conversation with Ms Ridley?

Ms Pretty: Mm-hmm.

Ms Cronk: Then they go on, "Called Sue at CO"—I take that to be constituency office.

Ms Pretty: Yes.

Ms Cronk: "She will talk to Evelyn to see about setting up a meeting with Sharron, MOH staff and"—it's either "her" or "how"—"soon." I recognize that doesn't deal with the discussion that you were having with Ms Ridley. Then the next entry reads: "Called Sharron to say Sue would be in touch soon. She feels it's too late. Going to court June 2. Illegal refusal to hand over"—and I'm sorry, I can't read the next word—"documents."

Mr David Winninger (London South): "Agency."

Ms Cronk: Agency? Thank you: "agency documents.

Said I would relay this to Sue." Stopping there, is that a fair representation of part of your second discussion with Ms Ridley?

Ms Pretty: Of course it is.

Ms Cronk: Is it your specific recollection that you told her that the crown was pressing charges against some board members?

Ms Pretty: Yes.

Ms Cronk: Because of course that isn't in this note. It doesn't mean it didn't happen, but—

Ms Pretty: No, but I'd been very specific that it wasn't a civil suit, that it was a crown case, so I've always used that term.

Ms Cronk: Did you tell her that you had sworn a number of informations in that regard?

Ms Pretty: I don't know how much detail I went into with her at that time.

Ms Cronk: Did you mention to her the possibility of going to the media?

Ms Pretty: Yes. I think at that point I told her I only had a couple of options: one was legal action and one was the media, because the ministry had not responded and I felt as if there was really no hope in dealing with the ministry. I'd already given them a year and I'd received nothing, so those were my only two options left to me.

Ms Cronk: Based on the second discussion you had with Ms Ridley, what did you understand was going to happen, if anything?

Ms Pretty: I told her basically that it was no use: "I don't see any point in having a meeting." She was pressing me to have a meeting with Evelyn, and I was saying: "There's really no point. It's gone too far. It's in the courts now." She said, "Well, just hang on. Reconsider this. Maybe we can set something up." That's basically what the conversation consisted of.

Ms Cronk: Based on that part of the discussion you had with her, was it suggested to you that, as the note I read to you indicates, someone would be back to you?

Ms Pretty: Yes.

Ms Cronk: Did you know at that point, based on anything said in the telephone discussion, whether the minister's offices had already been aware of the charges?

Ms Pretty: It was June 10th that Trinh Luu went to see Evelyn, and that's when the information was given to her. Before that, other than what I may have said in telephone conversations, I don't think so.

Ms Cronk: Well, when you told Ms Ridley that from your perspective it was too late for a meeting, that matters had gone beyond that, and told her that the matter was going to court on June second, did she make any comment or express any surprise at that information in any way?

Ms Pretty: There was dead silence. She just didn't say anything for about 10 seconds.

Ms Cronk: Did she indicate to you whether she knew that or make any comment that suggested to you what her knowledge of it was?

Ms Pretty: She made no comment on it. She just said, "Let's," you know, "try and have a meeting."

Ms Cronk: And after that conversation with Ms Ridley, did you in fact hear from Ms Lott or anyone else at the minister's constituency office?

Ms Pretty: No.

Ms Cronk: Did you follow up on the matter yourself?

Ms Pretty: Yes.

Ms Cronk: When was that?

Ms Pretty: I called Sue Lott on—let me see—the 19th. No. It couldn't be the 19th.

Ms Cronk: If I could help you with that—

Ms Pretty: Please do.

Ms Cronk: Could I ask you to turn to tab 48, of the same volume? We should be in volume 2 of exhibit 1, tab 48. Do you have that?

Ms Pretty: Mm-hmm.

Ms Cronk: Okay. This appears to be a telephone slip, a photocopy of the front and the back of one of those little telephone slips you get when a call comes in, Ms Pretty, and it appears to be addressed to Sue. It's dated the 19th of May, and it's a message from you, Sharron Pretty. Do you see that?

Ms Pretty: Yes, 19th of May. I knew it was 19th of something.

Ms Cronk: Does that help you recall when you spoke to Ms Lott?

Ms Pretty: Yes, 19th of May.

Ms Cronk: All right. Did I hear you say you called her?

Ms Pretty: Yes, I did.

Ms Cronk: And why were you calling her?

Ms Pretty: They'd said they were going to set up a meeting. Why hadn't they called me about a meeting?

Ms Cronk: Well, based on your discussion with Ms Ridley, as I understood what you said, you'd indicated that you felt matters had really gone beyond the point of a meeting. Did you expect a meeting?

Ms Pretty: No, but I expected somebody to get back to me and confirm, either yes or no, to a meeting.

Ms Cronk: Had you yourself rethought the matter and were you then considering a meeting?

Ms Pretty: I wanted to give Evelyn all the evidence I had gathered over the last year. I have been waiting since October the 29th for her to reply to me, to my concerns. I think I've jumped through hoops to try and get the ministry to respond to me and to acknowledge the problems at Van Lang as being serious. When Karen said to me that maybe we could set up a meeting, I thought: "Oh, good. Finally I'll get a chance to speak to Evelyn, show her what I have here, and then we'll go from there."

Ms Cronk: So that I understand, in your discussion with Ms Ridley on May the 12th, you've told the committee that you expressed the view that matters had really gone beyond a meeting, that it was going to court, you mentioned the date, and you gave Ms Ridley some

information about the nature of the charges. Right?

Ms Pretty: Mm-hmm.

Ms Cronk: And you indicated that she was, I think you said, pressuring you to reconsider or suggesting you reconsider.

Ms Pretty: Yes.

1130

Ms Cronk: And by the time you called Ms Lott on May 19th, had your view changed? Did you now think that there was some purpose in meeting?

Ms Pretty: Well, I had new concerns. They were trying to remove me off the board; the compliance review was in question. There were a lot of things that I wanted to speak to the minister about if it was possible, and they never got back to me and told me whether it was a conflict for her to speak with me, and so I wanted to find out whether I could speak with her. Why not?

Ms Cronk: And what occurred during your discussion with Ms Lott?

Ms Pretty: Ms Lott basically very briskly said: "I'm sorry, but the minister can't see you because this is in court, some of these matters are in court. It's a conflict for her to see you."

Ms Cronk: Did she use those words?

Ms Pretty: She didn't use the word "conflict." She just said it would be very difficult or something.

Ms Cronk: This telephone slip, Ms Pretty, just to read what appears to be on the front of it—there's an arrow to the right and it says, "Marc getting compliance report." Then there's a telephone number and then there's a date, June 2, and on the right there's an arrow saying "Brd," which I take to be—

Ms Pretty: Board.

Ms Cronk: —board, "has gone against," and then the words "Corporations Act" appear. Do you see that?

Ms Pretty: Mm-hmm.

Ms Cronk: Just stopping there for a moment, did you tell Ms Lott during that discussion, or did she appear to know, of the charges that were then pending?

Ms Pretty: I'm pretty sure that I told her the details of the court case.

Ms Cronk: And then, looking at the next page, there's a photocopy of the back, I understand, of the telephone slip. There's an arrow on the left-hand side saying "crown attorney," and then an arrow at the top and the words appear to be, "It had gone further than having"—and the word "having" seems to be crossed out and then "a" and then there's an arrow—"past the point of a meeting being—"

Mr Callahan: Could I just ask—there seems to be also an obliteration. It seems there "having" and then "a" and then there seems to be what appears to be some scuffing on the paper. Do we know what that is or whether that was a word taken out or whether—

Ms Cronk: You'll be hearing from Ms Lott, and I hope at that time to have the original available for you. I don't have it here this morning. I can also say that that may simply be the photocopy, Mr Callahan, so it could

be one or the other. This witness, of course, can't tell you that.

Mr Callahan: Okay.

Ms Cronk: Just continuing with the reading: "It had gone further than having"—and the word "having" is crossed out—"a"—then an arrow—"past the point of a meeting being effective but that"—and then there's an arrow—"Karen Ridley told her she thought it was still important that a meeting occur."

Ms Pretty: That's right.

Ms Cronk: All right. When you say, "That's right," did Karen really tell you that?

Ms Pretty: Yes, she did.

Ms Cronk: And is this an accurate recording of some of the remarks that you made to Ms Lott during the discussion?

Ms Pretty: Yes, I'd say so, from my memory.

Ms Cronk: Was this one of the discussions, Ms Pretty, that you taped?

Ms Pretty: I think so. We did tape that one.

Ms Cronk: Did you tell Ms Lott that that telephone discussion was being taped?

Ms Pretty: No, I didn't tell anyone I was taping their conversations.

Ms Cronk: I'm going to show you, through Mr Hourigan, a copy of a transcript of what I understand to be the tape in existence of the conversation between yourself and Ms Lott on May 19th, 1994.

Mr Callahan: Could we get a copy of that?

Ms Cronk: Yes, sir. Once I have it identified, if it is identified, I propose to distribute it.

Can you tell me, is that the transcript of the tape?

Ms Pretty: It looks like it, yes. It looks familiar.

Ms Cronk: Could I ask, Mr Chair, that this be received by the committee as the next exhibit, please? I think that's exhibit 5.

Ms Pretty, for your information and so that the committee is clear, this is a transcript prepared by our offices of an audiotape which we understand to be the tape of your discussion with Ms Lott on May 19th. Did you personally make the tape of that discussion?

Ms Pretty: Yes, I did.

Ms Cronk: All right. And did you provide that tape to committee counsel during the course of your pre-evidence interview?

Ms Pretty: I gave all the tapes in my possession to the committee.

Ms Cronk: And have you had a chance to review this transcript?

Ms Pretty: No, not lately.

Ms Cronk: Did you review the transcript that Ms Luu prepared of this discussion?

Ms Pretty: Many moons ago.

Ms Cronk: All right. I'm sorry, I thought you had had a chance, brief though it might be, to review this transcript. I'm going to ask you if you would do so over the luncheon break, when we break, and inform me

whether it is, as far as you're concerned, an accurate rendition of what was discussed in the telephone call. But at this point I'd like to draw your attention to some specific passages in the transcript.

Mr Harnick: Excuse me. Just so we're not confused, before we go any further, on exhibit number 48—

Ms Cronk: Tab 48?

Mr Harnick: Tab 48. This is a slip purporting to be a message to Sue from Sharron. Am I correct?

Ms Cronk: I've suggested to the witness, and I understand the witness to have—she's looked at a telephone slip which I suggested was a message to Sue Lott from Sharron Pretty.

Mr Harnick: Do we know who wrote this all down? I mean, has that been identified?

Ms Cronk: All I can do, Mr Harnick—and I recognize the need for the committee to be clear about the evidence as it comes in, but you'll also appreciate the position that I'm in.

Mr Harnick: Oh, I understand.

Ms Cronk: All I can tell you is that I anticipate that you'll hear evidence that this handwriting is by Sue Lott, that in part that she was given a telephone slip and that some of the handwriting on the front and back of this is Sue Lott's. Beyond that, you'll have to hear from that witness.

Mr Harnick: All right. Just so I'm not confused then, when we take the next step and look at this transcript that you've now given us, it appears to be a phone call from Sue Lott to Sharron Pretty, but if we go about halfway down the phone, we have Sharron Pretty saying, "I was phoning because...last week I had some conversations with...." I'm lost in terms of the sequence.

Ms Cronk: If you can bear with me for a minute or two, I was going to try to clarify that.

Mr Harnick: Okay.

Mr Callahan: Just before you go on, can you tell us who [information deleted] is? Is that Ms Pretty's telephone number?

Ms Cronk: Ms Pretty, can—

Ms Pretty: That's my number. That's my phone number.

Mr Callahan: That's your phone number.

Interjection: Which she'll now have to change.

Interjections.

Ms Pretty: Just charge it to the committee.

Ms Cronk: I'm not going to make any comment about that at all, Ms Pretty.

Just dealing with the transcript, and we could deal with the point first that Mr Harnick is raising, what he is suggesting and what I am now suggesting to you is that it looks from this transcript as if the call came in in the first instance to you from Ms Lott. Would you agree that that's what the transcript suggests, just by the first entry?

Ms Pretty: That's the one with the little drawings on the top corners, right?

Ms Cronk: Sorry, I'm actually looking at the tran-

script now, not the telephone slip. Could you just look at the transcript with me?

Ms Pretty: All right.

Ms Cronk: And it appears that you received a telephone call from Ms Lott.

Ms Pretty: Mm-hmm.

Ms Cronk: And if you carry on on the first page—

Ms Pretty: Sorry, can I clarify something?

Ms Cronk: Yes.

Ms Pretty: The reason why it appears as if she called me is because I phoned, she was busy on the phone, I left a message, and she got back to me about half an hour later.

Ms Cronk: Thank you very much. Does that help?

Mr Harnick: Yes.

Ms Cronk: Then could I ask you to go, if you would, please, to page 2. With reference to this page of the transcript, does it indicate that in fact you did tell Ms Lott that the matter was going to court and that the crown was pressing charges against the board members?

Ms Pretty: Yes, I did.

Ms Cronk: All right. And does it go on to indicate a question by Ms Lott as to whether that had already commenced, and a reply by you at the bottom of the page that everything was “ready and waiting. It’s supposed to happen on June the second as a first hearing.”

Ms Pretty: That’s correct.

Ms Cronk: All right. And is that portion of the transcript, as you now recall the discussion, an accurate representation of what was said?

Ms Pretty: Yes, it is.

1140

Ms Cronk: And if you could look at page 3 of the transcript, beginning at the top of the page, the conversation appears to be as follows:

“L” for Ms Lott: “That has been, you’ve got a hearing date. Is that right?”

“Pretty: Mm mm. Yup.” Sorry, I don’t say that very well.

“L” Ms Lott: “Okay. Well then, if you’re in, in, in the process of a legal action, it would be very difficult for Evelyn to meet on this one.”

Ms Pretty: That’s right.

Ms Cronk: You make no direct response. Then:

“L” Ms Lott: “That would put her in a, in a potentially difficult position...as the minister. So you’re, did she make you aware of that?”

Now, stopping there for a moment, did Ms Lott make those comments to you in the conversation?

Ms Pretty: Yes, she did.

Ms Cronk: And she then asked you whether “she”—I take that to mean Ms Ridley—whether Ms Ridley had made you aware of that.

Ms Pretty: No.

Ms Cronk: Sorry, am I misreading that? She’s talking to you about a discussion that you had had with Karen.

Ms Pretty: Yes, did Miss Ridley—your question, I’m getting, is, did Karen Ridley make me aware of whether the minister would be in a potentially difficult position if we had a meeting?

Ms Cronk: And did she?

Ms Pretty: No.

Ms Cronk: Okay. And was this the first time that you’d heard that, as the next line in the transcript suggests?

Ms Pretty: That’s right. This was the first time I had heard of it.

Ms Cronk: Looking at the bottom of the page—I’m sorry, the lines aren’t numbered—you appear to have said to Ms Lott: “I said to her,” meaning Ms Ridley, “that I, uh, felt that it had gone further than, you know, just having a meeting with Evelyn. Evelyn had had plenty of time to have a meeting with me and with Trinh Luu before this and she hadn’t. So, um, you know, it was...I felt it was past that point.”

Ms Pretty: Right.

Ms Cronk: Do you recall saying that to Ms Lott?

Ms Pretty: Very clearly.

Ms Cronk: Then over on page 4, the first lengthy paragraph, a comment attributed to Ms Lott: “Okay, well as I said. I’m, uh, I’m not the final arbiter on this one. I have to get direction from her staff in Toronto. So I will get back to them. But the, uh, fact of the matter, I think the bottom line here though is, if there is in fact been legal action that’s been commenced at this point, then that’s going to make it very difficult to Ev, for Evelyn to have a meeting.”

Stopping there, do you recall Ms Lott saying that to you?

Ms Pretty: Yes.

Ms Cronk: All right. Rather than going through this transcript line by line, because I am going to ask you to review it over the lunch-hour and come back and tell me whether in your view it’s an accurate representation of what was said, based on your recollection of the discussion, the telephone slip that we’ve looked at, and this transcript and your own knowledge of the transcript that Ms Luu made of the discussion, did Ms Lott suggest to you during the course of this telephone conversation on more than one occasion that given the fact that there was a legal action in progress, it would be difficult or awkward for the minister to meet with you?

Ms Pretty: Yes, she did.

Ms Cronk: Was that the first time that you had had that suggested to you by anyone connected with the minister?

Ms Pretty: Yes.

Ms Cronk: And did Ms Lott explain to you why she felt it would be awkward or put the minister in a difficult position to meet with you?

Ms Pretty: No, I didn’t know anything about conflict of interest or anything like that.

Ms Cronk: Well, when you say “conflict of interest,” at any time during that conversation was that mentioned?

Ms Pretty: No.

Ms Cronk: So that's an assumption on your part that that's what was in her mind, isn't it?

Ms Pretty: Yes.

Ms Cronk: So my question to you is, did she explain to you at all?

Ms Pretty: No.

Ms Cronk: And did she—that is, Sue Lott—indicate to you at any point during the conversation whether in fact a meeting could or would occur, or did she simply make the comments that it would place the minister in an awkward or difficult position? Did she say anything definitively about a meeting?

Ms Pretty: She said she'd—I thought she said she'd get back to me. I haven't read through this, so I'm just going to have to try and tap my memory. But I was under the assumption that the ministry was going to get back to me and confirm whether or not I could have a meeting with Evelyn.

Ms Cronk: All right. Just to help you with that, looking at the top of page 6 of the transcript, Ms Lott, on the previous page, appears to have been saying to you that she's not in the position of providing legal advice to the Ministry of Housing and that it would put Evelyn Gigantes in a "potentially difficult position" to meet. Then, over on the top of page 6, the following appears. Quote: "Anyway, well I'll, that's the impression you carried away, is that you, there was going to be a meeting set up, so somebody will have to clarify that with you."

Ms Pretty: That's right.

Ms Cronk: Then attributed to you the word "Yeah," then Ms Lott, "And I'll have to get her staff to talk to you."

Ms Pretty: I don't say "yeah" on the phone. I want to clarify that.

Ms Cronk: Based on your discussion with her, did you understand that someone was going to get back to you?

Ms Pretty: Definitely.

Ms Cronk: And did you have a further discussion with Ms Lott on that same day?

Ms Pretty: Yes.

Ms Cronk: And is that dealt with in the second part of the transcript?

Ms Pretty: Yes, it is.

Ms Cronk: Going over to page 7 of that transcript, this suggests that during the course of that second discussion with Ms Lott, you pointed out to her that the proceedings—I'm sorry, I'm looking at the first lengthy paragraph on page 7 and the following comment attributed to you:

"And that is when you, when you said that, that, um, you know, Evelyn can't intervene at this point because it's gone to court and everything else. The thing that I should have thought of at the time to tell you, is that, uh, what has gone to court is, is problems that the board has, um, has gone against the Corporations Act. But we want to meet you and discuss, uh, problems with the compli-

ance review, and uh, and uh the access issues, the core issues that we've always been trying to, to meet with Evelyn and discuss, and, and ah, you know, that's your responsibility."

Stopping there for a moment, did you say that to Ms Lott?

Ms Pretty: Yes, I did.

Ms Cronk: And in the next paragraph the following response is attributed to Ms Lott:

"Yeah, but"—and then there appears to be laughter on the tape—"the, the fact of the matter is though, Sharron, when you're dealing with the provincial minister, and you're dealing with somebody who's launching a court action that involves the province of Ontario, that just creates a scenario that makes it very difficult for uh, provincial politician, ministers of the crown to get involved. It's not a question of, you know, we don't want to do it. It becomes a question of, uh, she might not be able to, to set up a meeting."

It's then suggested that you replied, "You don't know that for sure yet." Ms Lott: "I don't know that for sure. But that's what I am warning you about. And that's what I'm going to talk to her staff about."

Did that exchange occur between Ms Lott and yourself?

Ms Pretty: Yes.

Ms Cronk: And over at the top of page 8. And does that appear to you to be an accurate rendition of what you recall of the discussion?

Ms Pretty: Yeah, without all the commas and the "uhs" and the—

Ms Cronk: Okay, and with respect to the suggestion of laughter on the tape, do you recall laughter on the tape?

Ms Pretty: Yes. I found it kind of inappropriate at the time for her to be laughing.

Ms Cronk: Well, was it a nervous laugh, or what kind of laugh? Or do you remember?

Ms Pretty: It just seemed like out of place, that's all. I don't know why she laughed. It was sort of like, um—I guess at the time I felt as if maybe she didn't quite understand me or she wasn't really taking me seriously or she thought I wasn't understanding what she was saying to me, so she just sort of was reiterating or something.

Ms Cronk: Is it possible it was a nervous laugh?

Ms Pretty: It could be. I don't know. It's hard for me to say.

Ms Cronk: Over on the top of page 8, the following appears. You're speaking at this point: "Okay. Well I just wanted to clarify what the meeting, what..." And then Ms Lott: "It goes beyond at this point of being an issue of want and don't want. It's, it becomes an issue of what prevents the minister from doing it."

Ms Pretty: Mm-hmm.

Ms Cronk: And then carrying on to the middle of the page, the following is attributed to Ms Lott, "But there's still there, it's still a perception of a minister meeting with a group of people that have launched a legal

action...that involves the province of Ontario." Then you speaking: "Okay. Well..." Ms Lott, "Yes." Then you speaking, "When you find out the answer to that one, um, can you just let me know." Ms Lott: "Oh sure. Somebody will get back to you very, very definitely." And then yourself, "Okay," and then the conversation more or less concludes with a few sign-off remarks.

Do those portions of the transcript, based on your recollection of the discussion, appear to you to be an accurate rendition of what was said?

Ms Pretty: They are.

Ms Cronk: And did you, based on that discussion, understand that someone would be getting back to you with respect to the prospects of a meeting with the minister?

Ms Pretty: I trusted that they were going to get back to me.

Ms Cronk: Based on what she'd said, that was the indication?

Ms Pretty: Yes.

Ms Cronk: And did you also understand, based on that discussion, that Ms Lott was telling you that it might put the minister in an awkward or a difficult position to meet with you, given the fact that a legal action, that court proceedings were pending?

Ms Pretty: Yes.

Ms Cronk: And did you in fact receive over the course of the next several weeks a response from the minister's office?

Ms Pretty: Yes, I did.

Ms Cronk: Do you recall who that was from, and when?

Ms Pretty: Um, I think maybe the 19th, um, April. Can you help me with that one?

Ms Cronk: Yeah. To assist you with that, the next discussion with the ministry of which I have any information that involved you is later, at the beginning of June, on or about June the second.

1150

Ms Pretty: Okay.

Ms Cronk: Do you remember, between the period May 19th and June the second, whether you were contacted by anyone from the minister's office as a result of your discussion with Ms Lott?

Ms Pretty: I called Sue Lott myself. I returned the call because they didn't call me back.

Ms Cronk: And do you remember when that was?

Ms Pretty: On the 19th of May.

Ms Cronk: Okay, and after that—

Mr Callahan: I'm sorry, what date?

Ms Cronk: On the 19th of May.

Just to make my question clear, after the 19th of May, after this discussion that you had with Ms Lott, did you hear back within the next couple of days from the minister's office?

Ms Pretty: I don't remember. I don't think so.

Ms Cronk: That's fine.

Ms Pretty: No, I didn't get a reply that I can think of.

Ms Cronk: I'm sorry, you didn't get a reply that you can think of?

Ms Pretty: That I can remember, you know.

Ms Cronk: All right. And then earlier this afternoon—sorry, this morning—we talked about a meeting that Trinh Luu had on May 25th with Mora Thompson, and you indicated to the committee that you had not attended that meeting, although you were aware of it and you'd considered going to it. Is that correct?

Ms Pretty: Mm-hmm, that's right.

Ms Cronk: All right. Could we have a copy of exhibit number 4—I think it's number 4—please, to show to the witness? Exhibit number 4 is the notes of Mora Thompson. Ms Pretty, the exhibit 4 before the committee is some handwritten notes that it has been suggested are the notes of a Mora Thompson, relating to her meeting with Trinh Luu on May 25th in Toronto. Could I ask you to look at page 3? They're numbered in the top right-hand corner. Do you have page 3?

Ms Pretty: Yes.

Ms Cronk: Okay. The notes indicate, or at least contain an entry about two thirds of the way down the page, as follows: "Gave min"—minister—"a year to rectify situation before went to court." Do you see that?

Ms Pretty: Mm-hmm. Yes.

Ms Cronk: Now, you said a little bit earlier that as far as you were concerned, the ministry had had about a year to respond. Remember that?

Ms Pretty: That's right.

Ms Cronk: And then the next entry in these notes reads, "If solved internally, charges can be withdrawn." Do you see that?

Ms Pretty: I see that.

Ms Cronk: All right. Prior to May 25th, prior to Ms Trinh Luu's meeting with Mora Thompson, had you and Ms Luu discussed the possibility of the charges being withdrawn if a satisfactory internal resolution could be reached?

Ms Pretty: I never wanted to withdraw those charges. Never.

Ms Cronk: The question I put to you, Ms Pretty, was, before May 25th, did you have a discussion with Ms Luu about the possibility of the charges being withdrawn if a satisfactory internal solution could be reached? Did you discuss it with her?

Ms Pretty: Of course, that would be an option. I can't specifically remember a particular conversation that we had about dropping charges, because I had already made up my mind that I was going to go through with this because the board contravened the Ontario Corporations Act, and I felt that it was important to set some kind of precedent and I was not going to drop those charges, regardless of who or what, you know, transpired after that.

Ms Cronk: Before you went into the meeting on June 17th with the minister, Ms Pretty, was it an option that

you had at least identified in your own mind?

Ms Pretty: Of course it's an option, but it would be my last option.

Ms Cronk: Was it one that you had identified in your mind? Whatever priority you attached to it, had you identified it as an option in your mind?

Ms Pretty: Well, actually, I thought that it might be very difficult to drop the charges. Once I made the commitment to press charges or to lay evidence to the crown, I was prepared to go to the end with it. I felt that it would be ridiculous for me to at any point change my mind and say: "Oh, excuse me, I've changed my mind. Drop the charges." I just can't consider that. So it would be a very remote option, if anything at all.

Ms Cronk: All right. But before you went into the meeting of June 17th with the minister—I'm just trying to get at your own state of mind when you went into that meeting, Ms Pretty—had you, in your own mind, thought about whether the withdrawal of the charges was an option if a solution internally was reached?

Ms Pretty: No, not really. No.

Ms Cronk: Do you have a clear recollection of this either way or are you just now trying to figure out what was happening?

Ms Pretty: No, I never considered dropping the charges, never.

Ms Cronk: When you said to me a moment ago that it was an option, you thought it was remote?

Ms Pretty: Well, of course it would be an option. It would be an option if I had to, if it was possible.

Ms Cronk: Had it occurred to you, though, before you went into the meeting, that that was—

Ms Pretty: On June 17th?

Ms Cronk: —a possible scenario?

Ms Pretty: It didn't even cross my mind on June 17th.

Ms Cronk: No, before you went into the meeting, had it crossed your mind—

Ms Pretty: No.

Ms Cronk: —as a possible scenario?

Ms Pretty: No.

Ms Cronk: When Ms Luu returned to Ottawa from her meeting with Ms Thompson, did she discuss with you what had happened at the meeting?

Ms Pretty: We discuss everything. Yes, she did.

Ms Cronk: Did she give you any indication, when you discussed the meeting with her, whether the possibility of withdrawal of one or more charges had been discussed?

Ms Pretty: I'm not clear on when I was made aware of that.

Ms Cronk: Do I take from that that at some point you were made aware that there was discussion about that?

Ms Pretty: Yes. Basically, it was just recently in the testimony.

Ms Cronk: Okay. Leaving aside what testimony

you've been made aware of before this committee, my question to you is: When Trinh Luu came back to Ottawa from the meeting with Mora Thompson, you've told me that she talked to you about what took place at the meeting because you talked about everything related to Van Lang.

Ms Pretty: Yes.

Ms Cronk: Did she tell you at that time that the possibility of withdrawing one or more of the charges had come up in the discussion?

Ms Pretty: I don't recall her discussing that at that time.

Ms Cronk: Okay. Now, when a person says, "I don't recall," that can mean different things to different people. Sometimes it means, "I recall that it didn't happen," and sometimes it means, "I don't recall one way or the other."

Ms Pretty: I don't remember. I don't remember her actually addressing that particular thing when we were discussing her meeting with Mora.

Ms Cronk: And you don't remember one way or the other?

Ms Pretty: No.

Ms Cronk: Thank you. You told me a little bit earlier that in the latter part of May, beginning of June, the issue of your removal as a director of the board had come up again. Remember that?

Ms Pretty: Can you repeat that?

Ms Cronk: Yes. You told me a little bit earlier that towards the end of May, beginning of June, the issue of your removal as a director from the board of the Van Lang Centre had come up again.

Ms Pretty: Yes.

Ms Cronk: Could I ask you to look at, this time, volume 3 of exhibit 1, tab 66.

Would you like a break?

Ms Pretty: Yes.

Ms Cronk: Mr Chair, the witness would like a short break, if that's possible, five minutes or 10 minutes. Is that enough time, Ms Pretty, five, 10 minutes?

Ms Pretty: I need to eat something.

Ms Cronk: Okay. Is 10 minutes enough time?

Ms Pretty: Yes, I guess so.

The Chair: We're going to have a short break of 10 minutes.

Ms Cronk: Are you saying you need to have lunch?

Ms Pretty: I need to eat something.

Ms Cronk: Would 10 minutes be enough?

Ms Pretty: Yes, unless it's convenient to have the lunch break now; I don't know.

Ms Cronk: If you'll allow me, Mr Chair, could we take 10 minutes?

The Chair: Okay.

Ms Cronk: If it's insufficient for the witness, you can tell us when you come back.

Ms Pretty: Okay.

Ms Cronk: Thank you very much.

Ms Pretty: Thank you.

Ms Cronk: Mr Chair, just before the witness leaves, for the benefit of the witness, and I'm sure you've been told this, but just so that it's formally on the record, could I ask you to direct, as is usually the case, that witnesses, during the course of their examination, not discuss their evidence with any person until their evidence is complete.

The Chair: It's on the record.

Ms Pretty: I understand.

Ms Cronk: Thank you.

The Chair: We'll break for 10 minutes.

The committee recessed from 1201 to 1219.

The Chair: Okay, we'll resume the hearings and, Ms Cronk, you may continue on.

Ms Cronk: Thank you, Mr Chair. Ms Pretty, you're ready for us to continue?

Ms Pretty: Yes, thank you.

Ms Cronk: Okay. I was asking you before we took the break whether the issue of your potential removal as a director of the Van Lang board of directors had come up again at the beginning of June 1994 and I'd understood you to say yes.

Ms Pretty: Yes.

Ms Cronk: Could I ask you to look at volume 3 of exhibit 1 and in particular at tab 66.

Ms Pretty: Yes, I have that here.

Ms Cronk: Do you have that? All right. This is a notice dated June the eighth, 1994, of a proposed meeting of the Van Lang board of directors to be held on June 19th at 2:30 for the purpose of passing a resolution that is set out in the notice, and the resolution concerns your removal from office as a director of the board. Did you receive a copy of this notice?

Ms Pretty: Yes, I did.

Ms Cronk: When was that? Do you recall?

Ms Pretty: I received it shortly—when did I receive it? I don't usually get a lot of notice with these memos. I can't think of when I actually received it. Let me think.

Ms Cronk: There's evidence before the committee that at a meeting on the 10th of June between Ms Trinh Luu and the Minister of Housing, Evelyn Gigantes, Ms Trinh Luu had a copy with her—

Ms Pretty: Okay.

Ms Cronk: —of this notice. Did you provide her with a copy of it?

Ms Pretty: Yes, I must have.

Ms Cronk: All right. That would suggest that you'd received it either on the eighth or the ninth.

Ms Pretty: Yes.

Ms Cronk: Or perhaps the morning of the 10th.

Ms Pretty: Yes, actually I do remember now. I do remember. The eighth day of June—I got it within a day of that, or the same day. It was very quick, that one. They made sure that I got that one.

Ms Cronk: And you told me earlier, I believe, that you did not attend the meeting on June 10th between the Minister of Housing and Ms Luu. Is that correct?

Ms Pretty: No, I did not.

Ms Cronk: All right. Was it suggested to you by anyone that you should attend or that it was expected that you would attend?

Ms Pretty: No.

Ms Cronk: You knew of the meeting, I take it?

Ms Pretty: Yes, through Trinh.

Ms Cronk: And did you consider going to it?

Ms Pretty: Yes, I thought about it, but I pretty well resolved myself—or resigned myself to the court date and I was sticking with that. Plus, it was going to cost quite a bit of money to travel to Toronto and I had other commitments. It just didn't—you know, I figured one person was enough to go to speak for both of us.

Ms Cronk: Should I understand from that that you felt free to go to the meeting, that you considered it—

Ms Pretty: Mm-hmm.

Ms Cronk: —and you decided not to?

Ms Pretty: That's right.

Ms Cronk: But also, you've said that no one contacted you or suggested to you that you should go or that you were expected to go.

Ms Pretty: No.

The Chair: Mrs Marland, I think I've got the same question, too—

Mrs Marland: Yes.

The Chair: —but go ahead. I think there's some confusion here.

Mrs Marland: Ms Cronk, your witness referred to the cost and time of travelling to a meeting in Toronto and I'm just wondering, is it possible that Ms Pretty, in that answer, was referring to the meeting that Ms Luu had with my staff on the 25th of May in Toronto, and in fact you're asking about the 10th of June meeting with the minister, which I've always understood took place—

Ms Cronk: Was in Ottawa.

Mrs Marland: —in the minister's Ottawa constituency office.

Ms Pretty: Oh, I must be confused. Okay. I was confusing those two meetings; I'm sorry.

Ms Cronk: All right. Thank you, Ms Marland.

Ms Pretty: Thanks.

Ms Cronk: May I back up then?

Ms Pretty: Yes, let's clean it up here.

Ms Cronk: All right. We're talking about the June 10th meeting—

Ms Pretty: Mm-hmm.

Ms Cronk: —between Trinh Luu and the Minister of Housing—

Ms Pretty: Okay.

Ms Cronk: —which, the committee has heard thus far, was held in Ottawa—

Ms Pretty: Yes.

Ms Cronk: —at the constituency office of the minister.

Ms Pretty: That's right.

Ms Cronk: And my question to you was, did anyone suggest to you that you should attend that meeting or that you were expected to attend that meeting?

Ms Pretty: No.

Ms Cronk: Did you consider going to that meeting?

Ms Pretty: I wanted to.

Ms Cronk: Did you tell Trinh Luu that?

Ms Pretty: I don't know whether I told her at the time, but I've certainly said it since. I felt really jealous because she had received a lot of replies from Evelyn. You know, she had gotten at least some replies to her correspondence to Evelyn and I had received one in April and I felt that I had—I had asked the minister for an audience, or whatever you want to call it, a meeting, so many times and yet I didn't get a chance to have one with her and here Trinh was going and I thought, you know, really, this should be both of us going. But I didn't go.

Ms Cronk: Why was that?

Ms Pretty: Well, it was between Trinh and her. The invitation was sent to Trinh to meet with the minister.

Ms Cronk: How do you know that, Ms Pretty? How did you learn of this meeting?

Ms Pretty: Trinh told me.

Ms Cronk: Did she also tell you that it was an invitation to her?

Ms Pretty: Yes.

Ms Cronk: That didn't include you?

Ms Pretty: Yes.

Ms Cronk: Did you inquire of anyone whether you could attend the meeting?

Ms Pretty: No.

Ms Cronk: Did you have any discussions with anyone from the minister's office as to whether the meeting could or was intended to include you?

Ms Pretty: No.

Ms Cronk: So you understood that it wasn't a meeting that you could attend.

Ms Pretty: It didn't include me. That's right. I just accepted it that it was between Evelyn and Trinh.

Ms Cronk: After the meeting was over, did you discuss with Trinh Luu the results of the meeting?

Ms Pretty: Yes. She called me and told me that she felt good about the meeting that she had had with Evelyn, that she was finally able to show her evidence and to talk with her about the problems at Van Lang in person and that she was able to even in a soft way reprimand Evelyn for not paying attention, because it was such a mess now and it didn't have to be.

Ms Cronk: Did Trinh Luu tell you whether the minister had agreed to do anything as a result of the meeting?

Ms Pretty: She said that she was going to arrange a meeting.

Ms Cronk: I'm sorry, who said that?

Ms Pretty: I'm sorry. The minister, Evelyn Gigantes, said that she would arrange some sort of meeting.

Ms Cronk: Is it possible, Ms Pretty, looking back on it now, that you were told by Trinh Luu that the minister had agreed to get back to her?

Ms Pretty: Oh, get back to her, yeah. That's right, get back to her.

Ms Cronk: Well, I don't know what's right and it's important that the committee know.

Ms Pretty: Yeah, it's true. That's what she said at that point. She was going to get back to her.

Ms Cronk: Was that satisfactory to you?

Ms Pretty: For her to get—what was that question supposed to mean anyway?

Ms Cronk: Were you satisfied based on what Trinh told you about what was going to happen? Was that acceptable to you?

Ms Pretty: Basically, I felt that we were just being put off again.

Ms Cronk: Did you have any understanding as to when the minister had said she would get back to Trinh?

Ms Pretty: A couple of weeks.

Ms Cronk: As a result of what Trinh told you had occurred, did you reach any decision with her as to your future course of action?

Ms Pretty: I just said that: "I'm fed up trying to negotiate with the ministry. So Evelyn knows, you know, basically she knows she's in trouble now, so I'm going to just proceed with my action, my court action."

Ms Cronk: Was there any discussions after the June 10th meeting by you with Michael Séguin about any of these developments?

Ms Pretty: I kept him updated to a certain extent.

Ms Cronk: Specifically, did you discuss with him, either alone or with Trinh Luu, what had occurred at the meeting with the minister?

Ms Pretty: Oh, yes. And we came up with a letter. First, I wrote a letter to the non-Vietnamese tenants, just orienting them, pardon the pun, on what was going on and the seriousness of the situation and the fact that I was supposed to be removed from the board, and I asked for their support, that we should join together and form some sort of group with a voice so that we can approach the media, so that we have more power in approaching the board. So I wrote a letter to them asking for their support and I went around and I showed them some of their things that had transpired over the year, and everybody I showed these things to signed the letter of support.

Ms Cronk: Were you really trying at that point to mobilize some support from the other tenants?

Ms Pretty: Yes, because the tenants' association wasn't meeting. It hadn't met in months. There was no voice for the tenants that existed at that point in time and there were some critical things happening. I was being removed from the board, there was all kinds of stuff happening, and we had no way, no forum to speak about it, so I tried to organize a group of concerned tenants.

1230

Ms Cronk: Just focussing on the June 10th meeting and what happened when Trinh came back from the meeting and told you what had occurred, do you remember discussing that very day, the 10th, or the next day, the 11th, with Trinh and Michael Séguin what you were going to do?

Ms Pretty: Yes. We decided we were going to go to the press.

Ms Cronk: Had you not earlier decided that yourself after the discussion you had on May 19th with Sue Lott?

Ms Pretty: Yes. I knew that that was the direction I had to take.

Ms Cronk: And was Trinh Luu aware of that, your feelings on that before she went to the meeting on the 10th?

Ms Pretty: Yes, she did. She tried to talk me out of it. She got me to hold back on my action to go to the press just until she could meet with the minister, until a couple of more things could happen. When I saw that nothing was happening, and the fact that Evelyn's response to this incredibly incriminating evidence and a stack of it, like this big—and her response was, "I'll get back to you in two weeks," I thought, "That's it, I'm not going bother with them any more."

Ms Cronk: Is your knowledge of what occurred at the June 10th meeting between the minister and Trinh based on what Trinh told you?

Ms Pretty: Yes.

Ms Cronk: The committee has heard that on the day after the meeting, on June 11th, there was a communication between Trinh and Mora Thompson—

Ms Pretty: Mm-hmm.

Ms Cronk: —and that there were a number of those communications, mainly on June 11th, June 13th, June 15th and then on June 17th, between Trinh and Mora Thompson.

Ms Pretty: Mm-hmm.

Ms Cronk: Were you aware of those communications?

Ms Pretty: She told me that she was going to the opposition party, and we'd do that jointly. She and I decided that the best move to make after discarding all hopes that the ministry could do anything was to go to the opposition party, and in turn the media would become involved.

Ms Cronk: Were you involved in preparing any of the memos that were provided to the opposition party, or did Trinh Luu do that?

Ms Pretty: Yes, I prepared some things. We worked together on some things and we worked separately on some things. You'll have to be more specific.

Ms Cronk: Could you look at tab 73, please, of volume 3 before you. This is a memorandum dated June 11th from Trinh Luu to Mora Thompson.

Ms Pretty: Okay.

Ms Cronk: Did you prepare it or did she or do you recall?

Ms Pretty: I've never even seen it before.

Ms Cronk: All right. Then I won't ask you any questions about the content of it, but do you remember after the meeting between Trinh Luu and the minister any discussion with Trinh about asking the opposition to raise the matter in the House?

Ms Pretty: Yes. I know that Trinh did ask that that issue be raised in the House at one point.

Ms Cronk: Do you recall when that was first raised with the opposition?

Ms Pretty: I'm not clear on when exactly it was.

Ms Cronk: All right. Looking at this memo, the second paragraph is a one-sentence paragraph. It says, "We would like you to raise it in the House." Would it be fair of me to suggest that by at least this date, perhaps earlier, but by at least this date, that suggestion was being made to the opposition?

Ms Pretty: That date being June 11th?

Ms Cronk: Yes.

Ms Pretty: Yeah. I can see that it says, "We would like you to raise it in the House."

Ms Cronk: Do you know, looking back on it, whether that suggestion or request had been made of the opposition prior to June 11th?

Ms Pretty: I can't answer that one. I don't know.

Ms Cronk: With respect to the June 13th memorandum, would you go to tab 110, please, at the back of this volume, Ms Pretty, tab 110. Have you seen that memorandum before?

Ms Pretty: No.

Ms Cronk: Could you go to tab 111. This is a memorandum of June 15 from Trinh Luu to Mora Thompson.

Ms Pretty: It's very, very light. It's very faint.

Ms Cronk: Can you read your copy? I'll get you another if you can't.

Ms Pretty: It's pretty bad.

Mr Cronk: Perhaps Mr McKinnon can show you his.

Mr Murphy: Again, it seems to be a similar photocopying problem with a number of others. Perhaps you can add that to your list, Mr Hourigan.

Ms Cronk: Thank you. Have you seen this memorandum before?

Ms Pretty: No.

Ms Cronk: Did you have any contact with the media, personally, in the period June 10th to June 17th, before you went to the meeting with the minister?

Ms Pretty: I'm having trouble remembering. The 21st I got a hold of Peter Varley.

Ms Cronk: Sorry, but I've got to back you up, Ms Pretty. I'm talking now about before the meeting on June 17th with the minister. You've told the committee that you spoke with Mr Wallace because he called you—

Ms Pretty: Yes.

Ms Cronk: —before his June first article appeared.

Ms Pretty: Mm-hmm.

Ms Cronk: So what I'm really asking you is, did you have any further contact, personally, with the media before the June 17th meeting?

Ms Pretty: Yes. I believe I spoke to Dave Rider with the Ottawa Sun, I think.

Ms Cronk: Do you recall when you did that?

Ms Pretty: It would be before the meeting.

Ms Cronk: Did you speak with Patrick Dare of the Ottawa Citizen?

Ms Pretty: Oh, Patrick Dare, yes.

Ms Cronk: I'm not suggesting that you did.

Ms Pretty: Yes, I did talk to him.

Ms Cronk: Before the meeting on June 17th or after?

Ms Pretty: Oh, God, I was inundated with reporters. I can't remember whether it was before, after or during.

Ms Cronk: You don't remember one way or the other?

Ms Pretty: It's very difficult to keep track of when a reporter phones when you have 15 of them phoning.

Ms Cronk: Well, you didn't have 15 reporters calling until after the June 17th meeting, right?

Ms Pretty: Well, between my press releases and everything else, it gets kind of confusing.

Ms Cronk: Okay. Just to help you with that, because it's important if we can be clear, and if you don't remember it's perfectly fine to tell me you don't, Ms Pretty, but your press release—and we'll come to the actual document—was after the June 17th meeting, right?

Ms Pretty: Yes.

Ms Cronk: Okay. And I'm suggesting to you, and please tell me if I'm wrong, that the numerous media contacts with you started to take place after the meeting with the minister on June 17th, not before.

Ms Pretty: Except for—James Wallace phoned me before.

Ms Cronk: That was earlier in June, around June first.

Ms Pretty: Yes.

Ms Cronk: All right. So what I am asking you is, before you walked into the meeting on June 17th with the minister, did you have a discussion with any member of the media that you now remember?

Ms Pretty: I can only recall having a discussion with James Wallace.

Ms Cronk: Okay. And specifically with respect to Patrick Dare of the Ottawa Citizen, did you speak with him after the June 17th meeting?

Ms Pretty: Can I refer to my notes?

Ms Cronk: Absolutely.

Ms Pretty: I didn't keep track of my contact with the media.

Ms Cronk: So you have no note of when you spoke with whom with respect to the media?

Ms Pretty: Saturday, June the 18th, Patrick Dare wrote an article—

Ms Cronk: I'm sorry, I can't hear the witness.

Ms Pretty: Patrick Dare wrote an article on June the 18th, the day following the meeting with Evelyn. So I just can assume from that that I spoke to him after the meeting.

Ms Cronk: You don't have a clear recollection one way or the other?

Ms Pretty: No, no, I don't. Sorry.

Ms Cronk: That's all right, and we'll come to the details of the meeting, but it's my understanding that it was held at the Rideau Centre in Ottawa. Is that right?

Ms Pretty: That's right, 10 Rideau.

Ms Cronk: It's my understanding as well, and can you confirm, that although Trinh Luu did not attend the meeting, she accompanied you to the Rideau Centre. Is that right?

Ms Pretty: Mm-hmm.

Ms Cronk: Do you remember, before walking into that meeting, because you went to the Rideau Centre with Trinh, and sometimes it helps to remember things when you know where you were and who you were with—you went with Trinh to the Rideau Centre, right?

Ms Pretty: Mm-hmm.

Ms Cronk: And she didn't go into the meeting but you did.

Ms Pretty: That's right.

Ms Cronk: Okay. And did she wait for you until the meeting was over?

Ms Pretty: Yes, she did. The meeting was only supposed to be half an hour.

Ms Cronk: It went a little longer than that, didn't it?

Ms Pretty: An hour and a half.

Ms Cronk: Okay. Do you remember, before you went into that meeting, whether any media people were around or whether any reporter came up and spoke to you?

Ms Pretty: No.

Ms Cronk: Okay. Did you get a phone call that morning from anybody from the media?

Ms Pretty: I can't recall. I'm sorry. I must have been pretty excited that day or something because—

Ms Cronk: Again, you don't remember one way or the other.

Ms Pretty: No.

Ms Cronk: But you have no recollection of there being media.

Ms Pretty: No. Nobody was there at the meeting.

1240

Ms Cronk: Okay. Or outside, gathered around, before you went in.

Ms Pretty: No. I was kind of expecting them, but they didn't show up.

Ms Cronk: But after the meeting took place, you did have discussions with the media.

Ms Pretty: Yes.

Ms Cronk: And that included Patrick Dare?

Ms Pretty: Um-hmm.

Ms Cronk: Who attended the June 17th meeting?

Ms Pretty: There were, I believe, nine people. There was myself, there was Dr Hieu Truong—

Ms Cronk: I'm sorry, you're going to have to speak a little louder, I think.

Ms Pretty: —Dr Hieu Truong, there was My Nguyen.

Ms Cronk: That's Mr Nguyen?

Ms Pretty: Mr My Nguyen, yes. There was Brian Sutherland, the regional manager for the MOH. There was Beverley—I don't know her last name; Evelyn's staff. There was Evelyn Gigantes herself. There was Audrey Moey, her staff. There was Dr Can Le, Dr Vinh Tang. Is that nine?

Ms Cronk: That's nine. When you said there was Beverley but you don't know her last name, did you subsequently learn whether it was Beverley Bell?

Ms Pretty: Yes.

Ms Cronk: And had you ever met her before?

Ms Pretty: No.

Ms Cronk: How did you learn of the June 17th meeting?

Ms Pretty: It was quite bizarre.

Ms Cronk: What do you mean?

Ms Pretty: Well, I had a package of information come to me from the board of directors in which there was a document. Do you know which document I mean, so that I can see it?

Ms Cronk: Not yet.

Ms Pretty: Okay, one referring to a special meeting where the directors can discuss the allegations in the newspaper and the meeting with the minister.

Ms Cronk: Are you talking about a notice from the board of directors of the Van Lang Centre?

Ms Pretty: Yes, it's a notice for a meeting to discuss those two things.

Ms Cronk: All right, just give me a moment.

Ms Pretty: Oh, guess what? I've got it.

Ms Cronk: What tab?

Ms Pretty: It's June the 13th—

Ms Cronk: Could you just give me one minute, please. Could I ask you to look, if you would, please, at tab 74 of volume 3. Do you have that?

Ms Pretty: Yes.

Ms Cronk: Is that the notice you're referring to?

Ms Pretty: Yes.

Ms Cronk: All right. Are you saying that your learning of the meeting on June 17th was tied up with this notice in some way?

Ms Pretty: Yes.

Ms Cronk: Could you explain that, please.

Ms Pretty: Well, when I received this, it was hand-delivered to my door on June the 14th, one day before the meeting.

Ms Cronk: I'm sorry, on what—

Ms Pretty: One day before the meeting. On June the 14th, I received it at 1:28 pm.

Ms Cronk: The meeting of course was June 17th?

Mr Murphy: This refers to June 15th.

Ms Pretty: To the June 15th meeting.

Ms Cronk: Oh, sorry. Thank you.

Ms Pretty: So it's one day before the meeting. So I had very little notice, and this special meeting notice was to address the summonses received by the board members and the meeting with the Minister of Housing, Mrs Evelyn Gigantes.

I have a question mark after "Mrs Evelyn Gigantes," because for some strange reason, the board forgot to give me the letter from Bill Clement informing the board of the meeting that Evelyn wished to have on the 17th.

Ms Cronk: And when you refer to the letter from Bill Clement, can I ask you to look at tab 68. Is that the letter from Mr Clement that you're referring to?

Ms Pretty: Yes, it is. I had to ask for it and go down to the office and get it.

Ms Cronk: How did you learn of its existence?

Ms Pretty: I phoned the office and I questioned the wording of the last sentence in this special meeting notice. I said: "What is this meeting with the Minister of Housing? Have you already had one?" Because at this point they were excluding me from a lot of very important discussions and meetings with various people because they decided that I was no longer on the board, so they just simply didn't include me in a lot of things.

I had no idea whether they had had the meeting or whether they were going to have a meeting. I had no idea what this meant—"and the meeting with the minister." So I phoned down to the office, to the office assistant, and I asked her and she said: "I don't know. Dr Hieu Truong will be here at 5. Call him at 5 and he'll tell you what it is." She was the one who put together the packages that went to all of the directors and she told me she didn't know. So it wasn't until 5 o'clock, when I was able to get Hieu Truong on the phone at the office, that I learned that there was a letter from Bill Clement inviting the directors to a meeting with the minister on June the 17th at 10 Rideau. If I hadn't read this and if I hadn't asked, I probably still wouldn't know about the meeting on June 17th.

Ms Cronk: Should I take from that that no one from the minister's office or the Ministry of Housing contacted you to tell you about the June 17th meeting?

Ms Pretty: No, nobody.

Ms Cronk: And that no one from the board did—

Ms Pretty: No one.

Ms Cronk: —and you only found out about it based on the events that you have described with Dr Truong. Is that correct?

Ms Pretty: That's correct.

Ms Cronk: Did anyone suggest to you, Ms Pretty, before you went to that meeting, that the meeting did not include you and that it was for the other board members only?

Ms Pretty: Did anyone suggest that I was not included?

Ms Cronk: Yes.

Ms Pretty: No.

Ms Cronk: Did you discuss with Trinh Luu the matters to be raised at the meeting?

Ms Pretty: We had no idea what the meeting was going to be about.

Ms Cronk: So did you know what its purpose was?

Ms Pretty: No.

Ms Cronk: Did you discuss with her any issues that should be raised at the meeting?

Ms Pretty: Excuse me for just a moment; I have to grab the document. I went to the meeting with one thing in my hand, a Brief and Evidence on Illegal Denial of Free Access to an Open Inspection of Corporation Documents to Board Members.

Ms Cronk: And did you take that with you to the meeting?

Ms Pretty: I took this because I thought perhaps that's what she may be addressing. I thought that she was going to take the opportunity to speak to the board and to inform them, to guide them on proper procedure and treatment of board directors and make them more aware of the fact that they were committing offences by denying me access.

Ms Cronk: What made you think, Ms Pretty, that the issue of access to information, or the denial, based on your allegations, your alleged denial of access to information was going to come up at the meeting? Why would you think that?

Ms Pretty: It's paramount. It shows that the board was not complying with MOH rules, with Corporations Act rules, no guidelines at all.

Ms Cronk: Did anyone suggest to you that that was going to be discussed at the meeting?

Ms Pretty: No, but Trinh Luu presented Evelyn with enough evidence to show her that that was the issue.

Ms Cronk: Okay. Please understand that in my asking you these questions I am not challenging your recollection, but I am obliged to understand what your understanding was.

Ms Pretty: I understand that.

Ms Cronk: Ms Trinh Luu had discussed a number of matters with the minister on June the 10th. Am I right? Is that correct?

Ms Pretty: Yes.

Mr Callahan: June 10th or the 17th?

Ms Pretty: On June 10th.

Ms Cronk: On June the 10th, Trinh Luu had discussed a number of matters with the minister. What was it that made you think that this particular matter might come up with the minister at the meeting that you were going to go to on June 17th?

Ms Pretty: I only hoped; I didn't know what the meeting was all about.

Ms Cronk: Did you take with you, for example, any documents relating to the fundamental core issues that you'd identified?

Ms Pretty: Trinh had already showed her those

things. I can't haul around, you know, 15 binders full of things everywhere I go. I thought that this, if I had any opportunity whatsoever, this would be the thing that I would focus on: the denial of access.

1250

Ms Cronk: So did you go, then, with the intent that if the opportunity was afforded you, you'd make sure this issue was raised?

Ms Pretty: Yes.

Ms Cronk: And that was the only thing that you took with you?

Ms Pretty: Mm-hmm.

Ms Cronk: Okay. And before the meeting, then, recognizing that you didn't know what its purpose was and that you'd sort of accidentally found out about it—is that fair, based on what you've told me?

Ms Pretty: It's very fair.

Ms Cronk: Okay. Did you talk to Trinh Luu about any other issues or even this issue, the issues that you might raise if an opportunity was given to you? Did you discuss that with her, or was this your own thinking?

Ms Pretty: I think she and I concluded that this was probably the best thing to take of all the issues that we had to look at, the important issues that we'd been trying to raise for a year, this illegal denial of free access, because this involved the court case. This was the biggest problem to the board and to Evelyn.

Ms Cronk: Not the two fundamental core issues?

Ms Pretty: More so than the fundamental core issues. I mean, that sort of stuff you get down and dirty with once you get everybody in a circle, and you can talk about it. But this was the one thing that had gone outside; it's gone beyond the board. It was no longer internal. It involved the courts. So I felt and Trinh felt that this would be the issue she'd be addressing.

Ms Cronk: And did you, so that I'm clear, yourself go to the meeting with the intention of raising it yourself if the opportunity was given to you?

Ms Pretty: Yes.

Ms Cronk: When the meeting commenced, did anyone leave the meeting during the course of the meeting? Did anybody get in, get up and walk out for a while and come back?

Ms Pretty: I think Beverley Bell either came in late or—I'm not quite sure, but I can remember her moving around in the room. That's all I can remember.

Ms Cronk: Could I just go back for a moment. Did anyone suggest to you, Ms Pretty, that you should raise the issue of access to information at this meeting?

Ms Pretty: No, except Trinh and I. We just decided that that was it.

Ms Cronk: And during the course of the meeting, did anyone arrive to it late, or were all nine participants there from the very beginning of the meeting?

Ms Pretty: I can remember that most of the board members were—oh, yes. Was it My Nguyen? Someone, I think, was a little late. I may be thinking of Beverley Bell; I'm not sure.

Ms Cronk: You don't have a clear recollection?

Ms Pretty: No, not really. No.

Ms Cronk: Did you make any notes yourself during the course of that meeting?

Ms Pretty: Yes, I did.

Ms Cronk: Did you notice whether anyone else did so?

Ms Pretty: Can Le was making some serious notes.

Ms Cronk: When you say "serious notes," what do you mean?

Ms Pretty: Well, he's usually the secretary, so he was busy writing most of the time.

Ms Cronk: By "serious," do you mean he seemed to be making a lot of notes?

Ms Pretty: Yes.

Ms Cronk: I see. Did you see his notes?

Ms Pretty: Oh, no. Of course not.

Ms Cronk: So you don't know what was in them. So you weren't talking about the subject matter; you were talking about how much he was writing.

Ms Pretty: Yes. I just observed that he was writing a lot and looking down at his paper a lot. I know that Audrey Moey was making notes for Evelyn, and she was making detailed notes; I could tell. I saw Brian. He might have just scratched a couple of things down, but I don't think he made any real, you know, comprehensive notes of any kind. Vinh Tang—I don't think he was making comprehensive notes. Hieu Truong made a few notes, and of course myself.

Ms Cronk: Did you see the minister making any notes?

Ms Pretty: No, she did not make any notes. It was all her staff.

Ms Cronk: And, I take it, some of the directors.

Ms Pretty: Yes.

Ms Cronk: Did you notice whether Mr My Nguyen made any notes?

Ms Pretty: I don't believe he did. He was very quiet. I hardly noticed him there so I didn't pay much attention to him, because he didn't speak.

Ms Cronk: He didn't speak at all during the meeting?

Ms Pretty: No, just at the end.

Ms Cronk: Could I ask you to go to tab 85 of volume 3. Do you have tab 85?

Ms Pretty: Yes. I'm going to work from my originals, if I can.

Ms Cronk: I was just going to ask you if you had the originals with you. Are those the notes that you made at the meeting?

Ms Pretty: Yes, they are.

Ms Cronk: All right. At the top of page 1 on the photocopies that the committee has, just above the word "Evelyn" there appears to be something cut off. May I see the original of your notes?

Ms Pretty: Sure.

Ms Cronk: The words cut off, do they read, "Meeting

with"—and there's a symbol for "with"—"Evelyn, June 17, 1994"?

Ms Pretty: Yes.

Ms Cronk: Then the first entry is the name "Evelyn" and a dash?

Ms Pretty: Mm-hmm, that's right.

Ms Cronk: Did you make the entirety of these notes during the course of the meeting, Ms Pretty?

Ms Pretty: No, not all of them. The first page I made at the meeting, during the meeting, and I tried to keep a sequence of topics as they came up. But then when Evelyn started to address me personally I had to put my pen down. I couldn't pay attention to what she was saying and what other people were saying and write at the same time. So I unfortunately had to recap, try and recall afterwards, what had been said after.

Ms Cronk: Did you make all of the notes on page 1 during the course of the meeting?

Ms Pretty: Yes.

Ms Cronk: If we look on the right-hand side of the page, in brackets there is handwriting, "Page 1, made during meeting."

Ms Pretty: That's right.

Ms Cronk: All right. What portion of the notes, then, were made after the meeting?

Ms Pretty: On page 2 from "See press release for details" down to the word "director," about halfway. There's a box at the bottom part. That top part that is not boxed in was Saturday, and then the boxed-in part was Monday or Tuesday, just because I was working on my press release and I was finishing up my notes so that I could put it on the computer.

Ms Cronk: So that I'm clear, there's a box that appears by a straight line across the page and then down, straight and down?

Ms Pretty: Yes.

Ms Cronk: Are you saying that all of the notes above that line were made on Saturday, June 18th—

Ms Pretty: Right, yes.

Ms Cronk: —and that everything that appears below that line was made either on Monday, June 20th or Tuesday, June 21st?

Ms Pretty: That's right.

Ms Cronk: What about the notes at page 3?

Ms Pretty: That was just a continuation of the boxed-in one.

Ms Cronk: All right. So were they also made on Monday the 20th or Tuesday the 21st?

Ms Pretty: Yes.

Ms Cronk: When you made the notes on the 20th of June or the 21st, had you already prepared your press release?

Ms Pretty: Can you repeat that, please?

Ms Cronk: Yes. When you made the notes on June 20th and June 21st, from the box down—

Ms Pretty: Yes.

Ms Cronk: —when you did that on Monday or

Tuesday, had you already prepared your press release?

Ms Pretty: Um, when was the press release? I just want to see what date it is.

Ms Cronk: Look at tab 86.

Ms Pretty: Okay, that was sent to Peter Varley at Mike Harris's office because I could see by the Legislative Assembly televised videos that they didn't know a lot of information and people needed to know exactly what happened. So I felt it was necessary for me to make that press release.

1300

Ms Cronk: When did you prepare it?

Ms Pretty: I'm trying to remember. It was—if I had a calendar in front of me—what day would the 17th be on?

Ms Cronk: The 17th was a Friday.

Ms Pretty: Friday.

Ms Cronk: Monday was the 20th.

Ms Pretty: Friday. It would have been for Monday because I know I faxed this. I don't have the little fax thing. I have a fax record that was attached to that. See how great I am with dates?

Ms Cronk: You're doing very well.

Ms Pretty: I don't know. I think it could be in one of my other binders. It was the 22nd, I remember.

Ms Cronk: That you prepared it or that you faxed it?

Ms Pretty: That I faxed that press release, the first one.

Ms Cronk: All right, but you prepared it on Monday the 20th?

Ms Pretty: Yes, I prepared it and then faxed it immediately.

Ms Cronk: If you faxed it immediately, that would mean you faxed it on the 20th. I just want to make sure what's happening here.

Ms Pretty: I need a calendar.

Mr Callahan: Or she made it on the 22nd and faxed it on the 22nd.

Ms Pretty: That's what I'm saying. I completed my handwritten notes and then I put it on my computer and then I went up the street and I faxed it right away. So, see, Monday or Tuesday was when I finished doing my notes. Tuesday was the 22nd, wasn't it?

Ms Cronk: Tuesday was the 21st.

Ms Pretty: The 21st? Okay. It must have been the 21st I faxed it then.

Ms Cronk: This is my question to you, Ms Pretty, and I'm just asking for—you've been provided with a calendar for the month of June. With that in hand, I just want to make sure you're clear about my question, Ms Pretty, and if you don't recall, please just indicate that.

Ms Pretty: Okay.

Ms Cronk: I understand you to have said that you prepared your handwritten notes from the box part down, half of page 2 and page 3 on either Monday the 20th or the 21st.

Ms Pretty: That's right. And then the 22nd I put it on

the computer and faxed it.

Ms Cronk: And are you saying that the document that appears at tab 86, your first press release, was what you put on the computer and faxed that day?

Ms Pretty: Yes.

Ms Cronk: So that your handwritten notes were prepared before this press release?

Ms Pretty: Yes. Absolutely.

Ms Cronk: And if that's the case—

Mr Winninger: Mr Chair, just a point of clarification: What's referred to as the press release? Is that tab 86, just so I'm perfectly sure?

Ms Cronk: Can you confirm that, Ms Pretty?

Ms Pretty: Yes.

Ms Cronk: When you say "press release" are you referring to the document at tab 86?

Ms Pretty: Yes, I am.

Ms Cronk: Because there's another document that appears at the next tab.

Ms Pretty: That's the second press release.

Ms Cronk: All right. And that was also prepared by you?

Ms Pretty: Yes, it is.

Ms Cronk: Now, it's dated June 23rd.

Ms Pretty: Yes.

Ms Cronk: When did you prepare it?

Ms Pretty: Same day.

Ms Cronk: All right. So that was the 23rd that you prepared this second press release?

Ms Pretty: Mm-hmm.

Ms Cronk: Coming back then to the first press release, the one that you've indicated you prepared on the 22nd and faxed the same day.

Ms Pretty: Yes.

Ms Cronk: You've said now to the committee, as I understand it, that your handwritten notes were prepared first before this?

Ms Pretty: Yes, they were.

Ms Cronk: And if you look at the top of page 2 of your handwritten notes—

Ms Pretty: Yes.

Ms Cronk: The very first entry says, "See press release for details."

Ms Pretty: I wrote that down there for my own reference.

Ms Cronk: If you made the notes at the top part of the page during the course of the meeting; right?—

Ms Pretty: Yes.

Ms Cronk: —when did you put in the words "See press release for details"?

Interjections.

Ms Pretty: Excuse me. Those were made on Saturday.

Mr Murphy: Those were made on the Saturday.

Ms Cronk: I'm sorry. Thank you. I'm getting con-

fused; maybe we need a coffee here. I'm sorry, Ms Pretty, I didn't mean to do that to you.

Ms Pretty: It's okay.

Ms Cronk: When did you put in the words "See press release for details"?

Ms Pretty: Probably at the same time. I was probably already working on the computer. You know what I mean? I was completing my notes. I was working on the computer.

Ms Cronk: Do you remember having started the press release on Saturday the 18th of June when you made the top entries on page 2?

Ms Pretty: I think I probably drafted it in, you know, just sort of put points or something down and then I went back and fleshed it out later.

Ms Cronk: Do you remember one way or the other, Ms Pretty? If you don't, please just tell me you don't.

Ms Pretty: Well, let me think for a minute here.

Ms Cronk: Thank you.

Ms Pretty: I would say that, okay, the meeting was on the 17th and the first page was made at the time. Saturday I can remember being depressed. I was depressed because I was so let down by the meeting that I didn't even care about writing anything. And then, you know, as the days went by, up until Tuesday, I started pulling myself together and I thought, well, I've got to at least make sure that I have an accurate picture of what I remember and put it down on paper so that I can be consistent. So between the 17th and—where are we?—the 22nd, I worked on those notes.

Ms Cronk: When you say "those notes," which notes now do you mean?

Ms Pretty: On the handwritten notes and then on computer.

Ms Cronk: And do you know now, looking back on it, whether you had started your first press release on the Saturday or whether you started it later?

Ms Pretty: I had to work on that very quickly. Like I said, Saturday I was depressed. Umm—

Ms Cronk: You don't remember?

Ms Pretty: How relevant is it? I mean—

Ms Cronk: Ms Pretty, I'm just asking what you remember. Don't worry about it if you don't. I just need to know if you do remember and I just—

Ms Pretty: It's kind of mixed up because I did some—you know how when something happens and you've been waiting for it for a long, long time and it's really exciting and you go there and you're let down, you make some notes and then you realize that what you hoped for wasn't going to happen? And I got depressed and I didn't want to write anything and I thought: "Forget it. I don't care about this any more."

Ms Cronk: I'm certainly not suggesting you should have, but I—

Ms Pretty: So I don't know when I started to write again. It was somewhere during the weekend, and when I finished fleshing out—sometimes my memory would come back, I'd be doing the dishes and I'd remember

something that somebody said, so I'd go write it down. The end result is a press release which is accurate.

Ms Cronk: Okay, thank you. I take from that, and I won't belabour this, but you're not clear about when you first began to prepare the first press release.

Ms Pretty: Probably Sunday I started.

Ms Cronk: Okay, but you're not clear; you don't actually know.

Ms Pretty: No, not really.

Ms Cronk: Okay, that's fine. Thank you.

And then let's just deal with the first press release for a moment, the document at tab 86. What was its purpose?

Ms Pretty: What was the purpose of the press release?

Ms Cronk: The first press release. Why did you prepare it?

Ms Pretty: As I said, I wanted to have an accurate account of what I remembered took place at that meeting of June 17th with Evelyn Gigantes. I'm like most other people: I don't remember things, you know, verbatim for very long and I have to write things down.

Ms Cronk: A lot of us are like that. Don't feel alone in that, Ms Pretty. I wouldn't remember my name if somebody didn't give me a signpost most mornings, so don't worry about that.

Can we come back to the June 17th meeting?

Ms Pretty: Yes.

Ms Cronk: Who opened the meeting? How did it actually begin?

Ms Pretty: Evelyn chaired the meeting.

Ms Cronk: And did she open the meeting? Did she make the first initial remarks?

Ms Pretty: Yes, she did.

Ms Cronk: And what do you recall those being about?

Ms Pretty: I'll just refer to my notes, please.

Ms Cronk: Mm-hmm.

Ms Pretty: She basically started in by acknowledging concerns and struggles within the board. She acknowledged meeting with Trinh on the 10th of June in which she had seen a lot of evidence showing that our concerns were basically valid. She also knew that legal steps are being considered. She said "are being considered." In my note here, I have "—legal steps considered." That's just basically what she said, even though she knew at the time that the crown had already begun the prosecution.

Ms Cronk: Were you making these notes as Ms Gigantes was speaking?

Ms Pretty: Yes.

Ms Cronk: Were you trying to take everything down that she said or just the highlight of it?

Ms Pretty: All the main points, the main, main points. She said she had seen the motion to the board for the Sunday meeting to remove me and she wondered if there was any other way to deal with it besides removing me from the board. She also acknowledged questions about the compliance report, that we had raised questions,

Trinh and I, meaning we.

Ms Cronk: Did she say anything else initially that you now remember or did Dr Vinh Tang then begin to speak at that point?

Ms Pretty: Well, she was very conciliatory. The whole mood was very calming and very conciliatory.

Ms Cronk: Did Dr Tang then begin to speak?

Ms Pretty: Yes.

Ms Cronk: Just stopping there for a moment, was there any agenda for the meeting?

Ms Pretty: No.

Ms Cronk: Was there any other document that was followed at the meeting?

Ms Pretty: No.

Ms Cronk: Was the minister provided with any documents at the meeting?

Ms Pretty: I showed her two documents and Can Le showed her one document.

Ms Cronk: What did you show her?

Ms Pretty: I showed her the letter to the tenants with their signatures of support, because they were talking about my removal at that point. When she said, "Motion to the board, Sunday," she started talking about my removal.

Ms Cronk: What else did you show her?

Ms Pretty: I showed her the two documents from the tenants forming some kind of alliance, the signed documents.

Ms Cronk: What did Dr Can D. Le show her?

Ms Pretty: He showed her a document later on, like a little later on in the meeting, and I'm going to have to think on what that was. I don't even know if I can remember what it was he showed her.

Ms Cronk: Were you given a copy of it?

Ms Pretty: No.

Ms Cronk: Was it distributed to everyone around the table?

Ms Pretty: No.

Ms Cronk: Or just to the minister?

Ms Pretty: Just to the minister.

Ms Cronk: Did you actually see it at some point during the course of the meeting?

Ms Pretty: No.

Ms Cronk: So you don't know what he gave her then?

Ms Pretty: No. I can't remember what he gave her.

Mr Chiarelli: On a point of order, Mr Chairman: I'm just wondering in terms of process how long we're going to be going without a break. I perceive that we're getting to a very important part of the testimony and the witness has been on the stand so to speak for four hours. Before lunch, she indicated that she would appreciate a lunch break and I'm just wondering when we may be breaking and what the process will be and whether in fact the witness needs it.

Interjection.

Ms Pretty: Yes.

Mr Chiarelli: She just indicated yes.

The Chair: Hopefully we'll get an answer from Ms Cronk.

Ms Cronk: Mr Chiarelli, you're getting psychic in your youth, because I was about to raise the matter. Perhaps you've always been. I will be about another half-hour I think in my questioning of the witness. I would prefer that that not be interrupted, for reasons that the committee will appreciate. If it's convenient to the committee and the witness would wish it, now would be a convenient time to rise, or alternatively, I can press ahead and complete. I'm in your hands.

Mr Chiarelli: The witness just indicated she would appreciate breaking now. I believe she nodded yes.

Ms Pretty: No. Actually, my lawyer asked me if I'm all right and I said yes. So it's up to you. You decide.

Mrs Marland: We would all appreciate breaking now. I'm only speaking for myself of course, Mr Chair.

Mr Kimble Sutherland (Oxford): That's the royal "we."

The Chair: Okay. We'll rise now until a quarter after 2. So this committee will recess.

The committee recessed from 1315 to 1424.

The Chair: Okay, we will resume the hearings. Ms Cronk, I believe we've got a question from Mr Sutherland.

Mr Sutherland: Could I just ask for some clarification? Just before we broke you mentioned about witnesses not talking to other people before they're done their testimony. Can I get some sense from you as to whether witnesses, either before they testify or after they testify, in terms of discussions with each other or discussions with committee members—what is considered appropriate in these types of processes?

Ms Cronk: Normally in quasi-judicial proceedings or proceedings before administrative tribunals of any kind, there are often orders made excluding witnesses during the testimony of other witnesses. In the context of a televised public hearing, an order of that kind becomes somewhat specious.

Having said that, it is also a well-established legal rule and requirement for the fairness of the administration of justice that witnesses not discuss their evidence, when they are under cross-examination, with any other person until their witness is complete.

Our role here as counsel to the committee is a blended role, and, as will have been apparent to you, it is both an examination and a cross-examination approach. That being the case, it has been my advice, and is my continuing advice, that witnesses should not discuss their evidence with any person, including, specifically, committee members or members of the press during the course of their evidence until it is complete. Some tribunals extend that order until completion of the matter at issue, until completion of the hearing. That's in the discretion of the committee. But certainly, while witnesses are giving their evidence, that would be my advice to you.

Mr Sutherland: Okay, thank you.

The Chair: There's one other point. I'd like to have a motion from the floor to remove the telephone number of Ms Pretty, that was said already.

Mr Callahan: I should have just said, "Is that your number?" but I forgot all about being on the funny tube.

The Chair: Okay. Agreed? It's agreed. Ms Cronk, carry on.

Ms Cronk: Thank you. When we broke before lunch, Ms Pretty, I had been asking you about whether there had been an agenda of any kind for the meeting of June 17th, and you had indicated that there was not; and I had asked you whether any documents were distributed or shown to the minister during the course of the meeting, and you had identified for me two documents which you showed the minister and they related to documents concerning other tenants—"support documents" is the way I think you described them—and that you had shown those to the minister; and you'd indicated that you recall Dr Can Le showing the minister a document, but you also said, as I understood your evidence, that you didn't remember seeing it during the course of the meeting and you couldn't recall what the document was.

Could I ask you to look, if you would, please, at volume 3 of exhibit 1, specifically at tab 80. Can you tell me, have you seen this document prior to preparation for this hearing?

Ms Pretty: Yes, I saw these notes.

Ms Cronk: Perhaps if you just move the mike a little to your left, whatever's comfortable for you, Ms Pretty, or we won't be able to hear you.

Ms Pretty: Is that better?

Ms Cronk: Yes, thank you. Have you seen this document prior to preparation for the hearing?

Ms Pretty: Yes, I saw this not long ago.

Ms Cronk: With this document in front of you, can you help me as to whether it was distributed at the meeting on June 17th, or do you know?

Ms Pretty: It could have been what Can Le gave the minister, but I can't say for sure. I just can't recall.

Ms Cronk: Thank you. Apart from the two documents which you showed her then and a document which you remember Dr Can Le showing the minister, was there any other documentation provided to her, of which you are aware, during the course of the meeting?

Ms Pretty: No.

Ms Cronk: Now, I'm interested as well, Ms Pretty, in how you perceived the initial tone of the meeting. I understood you to indicate to the committee before we broke for lunch that the minister was conciliatory and that that was the initial approach. Did I understand that correctly?

Ms Pretty: Yes.

Ms Cronk: As you perceived the climate of the meeting, if I can put it that way, initially the atmosphere of the meeting, was the minister, in your view, attempting to mediate in the situation?

Ms Pretty: Yes.

Ms Cronk: And was she, in your view, supportive of

the parties at the table, and by that I mean yourself and the other members of the board, as the meeting got under way and progressed?

Ms Pretty: I would say so. Yes, she was supportive.

Ms Cronk: Do you recall, during the course of the meeting, Ms Pretty, the issue of the pending board motion for your potential removal from the board of directors coming up for discussion?

Ms Pretty: She referred to the motion made by the board for the Sunday meeting to remove me as a director.

Ms Cronk: And when you say "she" referred to it—

Ms Pretty: Evelyn.

Ms Cronk: Evelyn Gigantes?

Ms Pretty: Mm-hmm.

Ms Cronk: And you'd indicated, based on the first page of your own handwritten notes from the meeting, that the minister had made some initial or opening comments at the meeting, and among them, as I understand it, based on what you said this morning, was an indication that she was aware of the motion. Am I right in that?

Ms Pretty: She was.

Ms Cronk: And she indicated that at the outset of the meeting?

Ms Pretty: Yes.

Ms Cronk: Apart from that introductory comment regarding the motion to the board—and just to be clear, the notation in your notes says, "Motion to the board (Sunday)"—did the minister indicate at the outset of the meeting an awareness that the motion was to be dealt with on the Sunday?

Ms Pretty: Yes.

Ms Cronk: All right. And apart from that introductory comment, did that subject come up again during the course of the meeting?

Ms Pretty: It was kind of enmeshed in and about the whole hour and a half, because the whole thing revolved around reaching some sort of compromise where I wouldn't have to be thrown off the board, and in return for that I would go to the court and ask them to drop the charges. And that was put in such a manner that it was rephrased many different times and put to me throughout that period of time, that hour and a half. I'm sure that at least three or four times I can recall actual statements made by the minister saying, you know, "Do you think there's a possibility of reaching some kind of compromise without having to go through the courts?"—that sort of thing. It was said many times to me. I can't say exactly when because it started about halfway through and it went right to the end, where she repeatedly asked me.

Ms Cronk: When you say it started about halfway through and went through to the end—

Ms Pretty: The proposal to me to compromise.

Ms Cronk: And was that word used, that is, the word "compromise"?

Ms Pretty: I would imagine so.

Ms Cronk: Do you remember?

Ms Pretty: Can I just take a look at my press release?

I want to see what exactly—because I wrote down exactly what I remembered her saying. Where's press release number 1? Can you remember what tab it is?

Mr McKinnon: Yes, it's 86, right there.

Ms Pretty: Oh, okay. Thank you. In paragraph number 4, I listed the actual questions that she put to me through that period of time of that meeting: "Can you at least consider a solution that does not involve the courts? Will you consider my suggestion as a viable solution?"—meaning, drop the charges. "Do you think that you would be willing to try to solve this issue internally, and not involve the courts?" And also, "I strongly recommend that the board postpone the decision to remove Sharron."

Ms Cronk: In that context, do you remember the minister specifically using the word "compromise"?

Ms Pretty: No, I do not remember.

Ms Cronk: Could I ask you to look at your handwritten notes at page—you have your originals there—at page 2. It's tab 85. And could I direct your attention to the first three lines—

Ms Pretty: Oh, yes.

Ms Cronk: —which read, "Evelyn to me—Now Sharron"—what is the next word?

Ms Pretty: "Now Sharron...I'm sure if you went to the crown and explained..."

Ms Cronk: And what does the next line read?

Ms Pretty: It says "compromise—'only suggesting.'" What the completion of that first sentence was, "I'm sure if you went to the crown and explained, they may find it of interest." That was basically what she was saying there.

Ms Cronk: And these notes, which you've told us, at least this portion, were made on the Saturday morning, the 18th of June, specifically include the word "compromise" and the indication of "only suggesting."

Ms Pretty: She used—yes.

Ms Cronk: Let me—

Ms Pretty: I'm sorry.

Ms Cronk: That's quite all right. Excuse me. Let me just perhaps put the question to you and then you can comment upon it. Were those words which you remember the minister using?

Ms Pretty: I wrote it down. I was just writing down what I heard. She must have used the word "compromise" here, but probably in the context that this is not a compromise, I'm only suggesting.

Ms Cronk: With reference to the paragraph that you read from your press release at tab 86, that's your first press release, if you just flip one more tab, to the fourth paragraph, there are a number of things mentioned in that paragraph, if we could just take it sentence by sentence.

"Evelyn emphasized that she was only 'suggesting' a possible solution..." I stop there for a moment. Is that in fact what she emphasized at the meeting?

Ms Pretty: Yes.

Ms Cronk: And then you go on "...but she did repeat her suggestion at least three times." Do you have a clear recollection of that, Ms Pretty?

Ms Pretty: Yes, I do.

Ms Cronk: You then have a number of statements that appear in quotes, the first of which is, "'Can you at least consider a solution that does not involve the courts? Will you consider my suggestion as a viable solution'" and then in round brackets the words "'(drop the charges)'" appear. Did the minister make those statements?

Ms Pretty: Yes, she did.

Ms Cronk: With reference to the words in round brackets "(drop the charges)," did she actually use that phrase or was that your understanding of what she meant by suggesting that you consider her suggestion as a viable solution?

Ms Pretty: Well, that's what I assumed. Taking a look at—if you take a look at the previous sentences, the things that she had said to me about not involving the courts, that sort of thing, willing to solve this internally and not involve the courts, what other conclusion could I come to, except that it meant drop the charges?

Ms Cronk: That's what you understood her to mean?

Ms Pretty: That's right.

Ms Cronk: I take from what you've said—please correct me if I'm wrong—that that was an assumption on your part. It's what you understood she was saying to you. She didn't actually use the words "drop the charges."

Ms Pretty: Okay. I'll go with that. I don't particularly—I don't specifically remember her saying "drop the charges." I don't specifically remember.

Ms Cronk: And then looking at your handwritten notes, at tab 84—sorry, tab 85—perhaps we can deal with this sort of topic by topic, on this issue of whether the words "drop the charges" or "dropping the charges" was used by the minister. At page 2 of your notes, and again over at page 3, several times the phrase "dropping charges," "dropping court proceedings," "drop/reconsider court action" appears. I've probably missed a couple, but I counted about four or five times in the space of those two pages.

So do I understand your evidence to the committee to be that you understood what she was saying to you to mean a suggestion of dropping the charges, but she didn't actually use that language?

Ms Pretty: The only phrase she didn't use was "drop the charges." The other ones she did.

Ms Cronk: The answer is yes, you don't remember her using that phrase.

Ms Pretty: I don't remember her using that phrase "drop the charges."

Ms Cronk: Dealing still with paragraph 4 of your first press statement, the next sentence, "'Do you think that you would be willing to try to solve this issue internally, and not involve the courts?'" Is that a quote that you're attributing to the minister? Is that something she said?

Ms Pretty: Yes.

1440

Ms Cronk: And to the best of your recollection, is

that the way she phrased it?

Ms Pretty: Yes.

Ms Cronk: Then the next sentence is in part in quotes as well, "I strongly recommend that the board postpone the decision to remove Sharron," end of quote. Is that a comment that you're attributing to the minister?

Ms Pretty: Yes.

Ms Cronk: And to the best of your recollection, is that the language that she used?

Ms Pretty: Yes.

Ms Cronk: May I just understand, Ms Pretty, how this part of the discussion arose. I take from your notes—and I don't intend to review each of the items with you, but from your notes and those of others—that a number of topics were discussed at this meeting?

Ms Pretty: Mm-hmm.

Ms Cronk: And from what you've said, it was about halfway into the meeting, as you recall it, that the issue of the charges came up?

Ms Pretty: Well, the issue was basically a result of talking about removing me as a director on Sunday, and why that happened was that I was pressing charges against the board of directors for denying me free access to documents and they were trying to remove me as a director.

Ms Cronk: When you say that that's why that happened, you mean the resolution to remove you?

Ms Pretty: Yes.

Ms Cronk: And did someone from the board tell you that that's why the resolution had been framed, or is that what you assumed when you saw it?

Ms Pretty: It's what I assumed.

Ms Cronk: So if the board had other reasons for bringing that resolution forward, you're unaware of them.

Ms Pretty: That's true.

Ms Cronk: Okay. And then coming back to the timing of when in the discussion the issue of charges arose, do I understand that it arose, from your recollection, about halfway through the meeting?

Ms Pretty: Yeah, it was about—no, probably more like a third, a third of the way, because according to my notes here—let's see, on page 1. It was the fourth point, "motion to the bd (Sunday)," where it was brought up that they were trying to remove me, and she said, "Perhaps there—is there not another way to deal with this other than removing Sharron Pretty as a director?" And that's basically what made the rest of it happen, you know?

Ms Cronk: Well, just to be clear about that, I understood that the first part of your notes on page 1 related to introductory comments—

Ms Pretty: Yes.

Ms Cronk: —that the minister made at the outset of the meeting?

Ms Pretty: Yes, it was sort of like a summary or like a—she was sort of recapping a bunch of events to start off the meeting and covering the main points, and then it was sort of open to the rest of us to make comments.

Ms Cronk: And are you saying, Ms Pretty, that that early on, that is, at the outset of the meeting, there was discussion of the charges in relation to the motion to remove you?

Ms Pretty: Um—

Ms Cronk: Or did she simply say—

Ms Pretty: Yes.

Ms Cronk: —that she was aware—

Ms Pretty: Yes, it did. It did come up, because one, two, three, four, five, six, seven points down, "personal conflict—Dr Vinh," that's where it started—they started to talk about personal conflict, things had blown out of proportion, steer away from personal issues, and that's when, you know, talk about the court charges came up.

Ms Cronk: Okay. The proposition that I'm putting to you—and I simply want your recollection. I'm not suggesting one way or the other what did or didn't happen at the meeting; I of course wasn't there. But it's important that the committee have your best recollection of what was said. So it seems to me there are two possibilities—perhaps more, but two on this particular aspect—that at the beginning of the meeting, the minister made some introductory comments and in the course of those comments she said, or acknowledged, that she was aware that legal steps had been considered. That's the language—

Ms Pretty: Mm-hmm.

Ms Cronk: —that appears in your notes. And further in those introductory remarks, she said or acknowledged that she was aware that there was a motion to the board to remove you as a director that Sunday.

Ms Pretty: That's right.

Ms Cronk: Now, am I right so far?

Ms Pretty: Yes.

Ms Cronk: All right. Now, it's possible that in introductory comments, that might be all that was said on those issues without the conversation then continuing on them. In other words, the conversation could later have come back to that with the direct suggestion of your not being removed as a director and the charges not being proceeded with. So what I'm saying to you is, do you now remember, when you think back on it, a discussion, really from the outset of the meeting, about the deferral or postponement or cancellation of the idea of removing you as a director on the basis that the charges wouldn't go forward, or did that really happen much later in the meeting?

Ms Pretty: She said to me, in reference to the motion to the board that they remove me on that Sunday, that, "Is there not another way that we can deal with this, rather than Sharron's being removed as a director?" That was the onset of the meeting. It did crop again later on, yes, and there were other things that were raised, but that was the main, you know, the main base of the topic. The whole thrust of the meeting was on compromise.

Ms Cronk: And as the discussion proceeded, were other matters also discussed of the kind described in the balance of your note at page 1?

Ms Pretty: Mm-hmm.

Ms Cronk: At some subsequent point, then, in the meeting, did this issue of your not being removed as a director and the charges that were outstanding come up again?

Ms Pretty: Yes.

Ms Cronk: All right. And how much into the meeting was it when it came up again? Do you remember how long the meeting had been in progress?

Ms Pretty: Well, the meeting was an hour and a half long, and the introductory part wouldn't have taken any more than 10 minutes.

Ms Cronk: Then I understood you to indicate that there was discussion of a number of topics, as set out at page 1 of your notes.

Ms Pretty: Mm-hmm.

Ms Cronk: What I'm asking you is, how much longer into the meeting was it when the topic of your removal as a director and the outstanding charges came up again? Were you another hour into the meeting, were you almost at the end of the meeting, or did it just continue through-out?

Ms Pretty: About halfway through.

Ms Cronk: About halfway through? Okay. You actually said that earlier, and then I got confused. So about halfway through.

Ms Pretty: Mm-hmm.

Ms Cronk: And as you remember it, how long did the discussion on that issue, on those issues—the removal of you as a director and the outstanding charges—last when it came up that second time?

Ms Pretty: To the end.

Ms Cronk: To the end of the meeting. So if the meeting was about an hour and half long, are you saying that as you recall it, approximately 45 minutes or so into the meeting the topic came up again and it was discussed for another 45 minutes?

Ms Pretty: Easily.

Ms Cronk: I'm obliged to put to you, Ms Pretty, that I anticipate there will be evidence from other witnesses that there was—

Ms Pretty: Mm-hmm. That's fine.

Ms Cronk: I'm going to tell you what it is and ask for your comments on it: that there was, at the outset of the meeting, an introduction by the minister, an acknowledgement by her that she was aware of the pending resolution for your removal as a director and an acknowledgement that she was aware that legal steps were under way or actions were being considered, and that it was much, much later in the meeting, virtually at its conclusion, that the topic of your removal as a director and the possibility of deferring or withdrawing charges came up again for discussion—whatever language was used, that the subject matter, the topics, didn't come up again until virtually the end of the meeting, and that when it did, the discussion was very brief. Is that consistent or inconsistent with your recollection of how the meeting progressed?

Ms Pretty: It's inconsistent with my recollection.

Ms Cronk: Is it, then, your evidence to this committee, as you suggested a few moments ago, that it came up approximately 45 minutes or so into the meeting and then consumed the balance of the entire discussion?

Ms Pretty: Yes. It was mainly that that she was talking about: the charges, how to remedy it. "Is there a way we can solve this problem?" "Brian Sutherland, do you think maybe we could have a meeting?" "Does the board agree to a meeting?" "Sharron, would you agree to a meeting to discuss these problems and perhaps maybe we won't have to go to court over this?"

Yeah, it was about 40 minutes or so.

Ms Cronk: And with respect to the suggestion that you understood was being made, can you tell the committee as best you can today, first, who first raised the suggestion of deferral? Was it a suggestion of deferral of the resolution to remove you as a director?

Ms Pretty: Yes.

1450

Ms Cronk: Who first raised that suggestion?

Ms Pretty: Evelyn.

Ms Cronk: Did she connect that with anything else? Was that connected to a discussion of the charges?

Ms Pretty: Well, she spoke about the meeting that she had had with Trinh on June the 10th, where she had seen a lot of documentation and she realized that we were in trouble as far as the board goes and we were in conflict. You know, basically she was just trying to—she was mediating, she was trying to get both sides to back down and discuss things, but I'd already tried to do that and it didn't work; it was beyond that.

Ms Cronk: Did the minister appear to you, based on what she said and did at the meeting, to understand the nature of the charges that were outstanding?

Ms Pretty: I guess so. I don't remember her expanding on them very much; she just said she was aware of the charges with the crown.

Ms Cronk: Did she mention the word "crown"?

Ms Pretty: Uh, I think so. I think so.

Ms Cronk: Did anyone else mention the word "crown"?

Ms Pretty: "Courts." Oh God, what's the difference between "courts" and "crown"? I remember saying to her at one point, when she suggested that I consider going to the crown and dropping the charges, that I said: "It's out of my hands. It's in the court—it's in the crown's hands now," or, "It's in the hands of the crown now." I was surprised to find that those words were borrowed in some kind of a press article later on by Evelyn. She borrowed my words, "It's in the hands of the crown now" or "the courts." What did I say? "In the hands of the crown now. It's out of my hands. It's in the hands of the crown now."

Ms Cronk: Are you saying, Ms Pretty, that the minister suggested that you should go to the crown and drop the charges?

Ms Pretty: Yes, I am.

Ms Cronk: All right, and let me just understand that. We've already agreed that you don't remember the phrase

“drop the charges” being used.

Ms Pretty: Mm-hmm.

Ms Cronk: So whatever the minister said, you understood it to mean that but she didn't actually say “drop the charges.” We've already agreed about that.

Ms Pretty: Hmm.

Ms Cronk: Five minutes ago we agreed about that.

Ms Pretty: Um, you're getting me very confused.

Ms Cronk: I'm just focusing on what you just told the committee a moment ago, and it's important that I understand exactly what it is, to the best of your recollection. I'm not asking for absolute precision but that I understand exactly what you're saying to the committee was said. What you said a minute ago, just so that we're clear, okay, is that you said that the minister suggested that you should go to the crown and drop the charges.

Ms Pretty: That's right.

Ms Cronk: And what I'm focusing on is just the language of that for a moment.

Ms Pretty: That's right.

Ms Cronk: And I thought we had agreed that you did not remember the minister using the phrase “drop the charges.” That's what you thought it meant, but you don't remember her using that phrase. Am I right so far?

Ms Pretty: Yeah, I guess so. It's just that sometimes when you ask me a certain way I don't remember, but then when I look at my own notes that I made almost, you know, the same day as the meeting, I wrote down, “It's out of my hands. It's in the hands of the crowns now,” so that my memory then would obviously be much better than it is now. I've read all sorts of articles in the newspapers, I've had numerous discussions with lawyers, with all sorts of people, press people, and I'm mixed up now. The only thing I can rely on are my notes.

Ms Cronk: All right. And when you say your notes, you're referring to your handwritten notes?

Ms Pretty: My handwritten notes and the notes that I did in terms of press release. My press release is my notes; it's just put in a formal form.

Ms Cronk: Then, just so that I'm clear, because I want to know if you're saying something different to me now, do you, as you sit here today, based on all the thought that you've given this and the notes that you've prepared and the press statements that you've prepared, do you remember the minister using the phrase “drop the charges”?

Ms Pretty: I think I do.

Ms Cronk: I take from that that you're uncertain.

Ms Pretty: Well, I wrote it down. I didn't write anything down that I didn't remember. I didn't make anything up. I wrote down things as they came to me, as I remembered them as happening, word for word. If you're asking me now, at this point in time, to remember things verbatim, I can't. I can only trust my notes.

Ms Cronk: Okay. So that when you say that you think you remember the minister using that phrase, you're relying on the references to that phrase in your notes. Is that right?

Ms Pretty: Yes, I have to.

Ms Cronk: All right. And I'm obliged to put this to you, Mrs Pretty: Is it possible that because you understood what the minister was saying as meaning a suggestion that you drop the charges, that she never actually used that phrase or said that but that you took from her words that that's what she meant? Is that possible?

Ms Pretty: Well, it wasn't just me that understood it that way.

Ms Cronk: Well, I'm just talking to you right now and I'm going to be talking to some other people.

Ms Pretty: That's good.

Ms Cronk: I want to know what you understood, Ms Pretty. I want to know what you understood. It's very important to the committee.

Ms Pretty: I understand the importance of it.

Ms Cronk: Is that possible?

Ms Pretty: I'm going to stick with what I wrote in my press release because I know that I was being as absolutely truthful as possible.

Ms Cronk: When you wrote your first press release?

Ms Pretty: And that's when my memory would have been the most fresh.

Ms Cronk: And just so that you understand, Ms Pretty, do you recognize that it's my job here, on behalf of the committee, to test both your recollection of the meeting—

Ms Pretty: Mm-hmm.

Ms Cronk: —that of the minister and others? Again, I say to you, I was not there, I don't know what occurred so I'm asking for your very best recollection and I know that you will give me that. Do you understand that that's why I'm asking these questions?

Ms Pretty: Yes, I do.

Ms Cronk: All right. Then just with respect to what you've said in your notes on this suggestion of dropping charges, you told me earlier today that you spoke after the June 17th meeting with Patrick Dare of the Ottawa Citizen. Do you recall that?

Ms Pretty: Mm-hmm.

Ms Cronk: And as we spoke about this morning, an article appeared under his byline on June the 18th, the day after the meeting. Do you recall that in the Ottawa Citizen?

Ms Pretty: Yes.

Ms Cronk: All right. Could I ask you to look at that article, please. It's in several places, but if you could look at exhibit 1, volume 1, tab 7.

Mr McKinnon: It's also tab 91 of the book we're into.

Ms Cronk: Okay. Thank you. Wherever it's more convenient. For those who are at volume 1, tab 7, it appears at page 55. Do you have a copy of it, Ms Pretty? It's entitled “Non-Profit Housing Agency Fighting Race Issue.”

Ms Pretty: Yes, I have the original newspaper clipping.

Ms Cronk: Okay. As I understood your evidence to the committee, you spoke to Mr Dare, as you recalled it, on June 17th after the meeting with the minister?

Ms Pretty: Mm-hmm, yes.

Ms Cronk: And you told him a number of things, I take it. You're quoted in the article?

Ms Pretty: Mm-hmm.

Ms Cronk: Are the matters attributed to you in this article accurate? For example, "I want to be a voice for the non-Vietnamese tenants in this building," Pretty said Friday."

Ms Pretty: Yeah, that was one thing that he played up on.

Ms Cronk: All right. Would you agree with me that there's nothing in this article about the minister having suggested to you that you drop the charges that were then outstanding?

Ms Pretty: I didn't bring that up, no.

Ms Cronk: You didn't tell Mr Dare that?

Ms Pretty: I didn't realize the significance of it, to tell you the truth.

Ms Cronk: You spoke with him on June 17th after the meeting and you made your handwritten notes at page 2, at least in part, the first half of them, the following morning. Am I right?

Ms Pretty: Mm-hmm.

Ms Cronk: And when you made the notes the following morning, I take it that you did attribute some significance to it, because in the part that you made on Saturday morning you referred to that issue twice. Am I right?

Ms Pretty: Yes.

Ms Cronk: And then dealing with the suggestion at the meeting, your recollection of what the minister said, was the issue of the charges and the charges not proceeding raised in the context of a possible option?

Ms Pretty: Yes.

1500

Ms Cronk: And did the minister, as you recall it, use language which suggested that that was one option that might be considered?

Ms Pretty: Yes.

Ms Cronk: And in that context, do you remember specifically discussion using the word "charges"? Or is it possible that the minister referred to "actions," resolving actions both on the board's part and your own, as being a possible option?

Ms Pretty: It's possible.

Ms Cronk: Okay. For example, did the minister, looking back on it now, based on what you wrote at the time and everything you remember, say, "Can these things be resolved without legal proceedings and removal of directors?"

Ms Pretty: Mm-hmm.

Ms Cronk: Did she say that?

Ms Pretty: Oh, yes. She said it so many different ways that I—yeah, probably.

Ms Cronk: Is that one of the ways?

Ms Pretty: Could have been, yes.

Ms Cronk: Did you suggest to the minister that you didn't think you could work with the board?

Ms Pretty: I can remember that very clearly. Yes, I did say that.

Ms Cronk: Did the minister say to you that talking to the prosecutor was a possibility, that she presumed it was, but she didn't know?

Ms Pretty: She did mention the prosecutor. She did say, "Perhaps if you go to the prosecutor," or the crown—I don't know exactly what word she used, but I knew what she meant. "If you go to the prosecutor, she'd understand if you were to explain that you wanted to solve things out of the court." And it was at that point when I said, "I find that absolutely ludicrous, to suggest that I go to the court and say: 'Drop the charges; I've changed my mind. Let them all go.'"

Ms Cronk: Did you tell her that's the way you felt about it?

Ms Pretty: Yes.

Ms Cronk: Do you remember saying that?

Ms Pretty: Yes, I sure did.

Ms Cronk: And why did you feel that way?

Ms Pretty: Well, first of all, I felt as if I'd been totally betrayed by the minister because I went to that meeting thinking that she was going to try and correct the wrongs at the centre. By having me drop the charges, I didn't consider that the best way of correcting the wrongs at the centre. It might have been the easiest way, but it wasn't the best way.

I was feeling pretty disillusioned when I saw that the whole direction that the minister was taking was to appeal to me to compromise, and in exchange for dropping the charges, she would recommend to the board not to hold this meeting to remove me, so that I could stay on the board for one more month of my term. And seeing as how I was completely disempowered as a director, what possible good does that do? I mean, that's not a deal at all. It was a deal.

Ms Cronk: You understood what the minister to be suggesting to be a deal?

Ms Pretty: To be a deal, yeah. She said, "If the board does not go ahead with the meeting to remove you and you can complete your term of one month left on your year as a director, then in exchange for you dropping the charges, then maybe we can work with this," you know. "Maybe then we can get together, have a meeting. Brian could come and help, you know, get things going and maybe we could get someone from ONPHA to help," you know. But it was all stemming from me dropping the charges, that everything was for me to do the first thing. I was to drop the charges and then, in exchange for that, I would not get kicked off the board for a month.

Ms Cronk: Was she also suggesting to the board that they strongly consider not removing you as a director?

Ms Pretty: Yes, she did say that.

Ms Cronk: So when you say that it was all to you

initially, was she not suggesting both a compromise by the board and a compromise by you?

Ms Pretty: Yes, she did turn to the board and say that one sentence, but most of it was directed at me.

Ms Cronk: Could you look at exhibit 1 again, volume 1 at tab 7, if you would, please, Ms Pretty. These are a series of media articles, press articles that appeared.

Mr Callahan: Can anybody read that? It's so small.

Ms Cronk: Could I ask you to look at page 49; they're numbered in the top right-hand corner. This one's a little bigger, Mr Callahan.

This is an article that appeared in the Windsor Star on June 21st, 1994, Ms Pretty, entitled "Gigantes' Actions to be Reviewed." Do you have that?

Ms Pretty: Yes, and it's the first time I've seen it, so I'd like a chance to take a look at it, if I could.

Ms Cronk: That would be fine.

Ms Pretty: Okay.

Ms Cronk: Could I direct your attention to the top of the third column, beginning with the sentence, "Outside the Legislature...." Do you see that?

Ms Pretty: Yes.

Ms Cronk: It reads: "Outside the Legislature, Gigantes again denied she had interfered with Pretty's case," and then there's a quote attributed to the minister and it reads as follows: "I suggested if that were possible, perhaps the board would be willing to back off and think again about an action which they had proposed to bring forward...to have her removed, and it might be it would not be necessary for some other actions to proceed on her side." End of quote.

Did the minister, to your recollection, say that at the meeting?

Ms Pretty: She didn't phrase it like that at all.

Mr Murphy: Do we know what the "that" refers to in the first—

Ms Cronk: If you read back in the second column, in the quote attributed to Premier Rae at the bottom, it appears to be the suggestion urging that charges be dropped or withdrawn.

Ms Pretty: There are some similarities to things she said at the meeting, but I would say that she's had time to very delicately rephrase it.

Ms Cronk: You don't think she said it in the language suggested in this article?

Ms Pretty: She didn't say that kind of thing in the meeting. It was much more easy to understand. This is very vague.

Ms Cronk: Could I ask you to look at the same tab at page 52. This is another article, this by Dave Rider. It appeared the day before, on June 20th. It's entitled, "Gigantes Accused of Court Conflict." Do you have that?

Ms Pretty: Yes, I do.

Ms Cronk: And about the fourth paragraph down, it reads as follows:

"Pretty said Gigantes attempted to defuse the situation by suggesting she ask the crown to drop the charges in

exchange for the other directors not following through on a threat to kick her off the board.

"On two or three occasions, (Gigantes) said, "Let's deal with this without going through the courts," openly saying I should drop the charges."

Stopping there for a moment, is that the language the minister used, and by that I mean, "Let's deal with this without going through the courts"? Is that what she said?

Ms Pretty: Yes, along that line.

1510

Ms Cronk: And is that what you understood to mean that she was suggesting that you drop the charges?

Ms Pretty: Mm-hmm.

Ms Cronk: Carrying on in the next paragraph, "Gigantes said yesterday she only laid options on the table and did not pressure either side to take any action." Based on your recollection of the meeting, was the minister simply laying possible options on the table?

Ms Pretty: Well, she didn't order me to go to the courts.

Ms Cronk: Was the suggestion of discussions with respect to the charges made in the context of a possible course of action, or was she suggesting that you do that, that you go and see the crown?

Ms Pretty: Well, there were no other options suggested. That was the only option suggested at the meeting. So that's why I say I felt pressured.

Ms Cronk: Was the potential for another meeting among you and the other directors raised at the meeting?

Ms Pretty: If I dropped the charges.

Ms Cronk: Let me just understand. Was there a suggestion made by the minister that another meeting occur among yourself and the other directors?

Ms Pretty: Yes.

Ms Cronk: And in that context, are you saying that it was suggested to you that you drop the charges in order for that meeting to occur?

Ms Pretty: That's right.

Ms Cronk: Or that there be a meeting at which the various issues between you and the other directors might be discussed?

Ms Pretty: I believed that she was asking me to drop the charges, for the board to stop their process of removing me, and that a meeting take place where we all sit down and work it out internally.

Ms Cronk: And were you open to that suggestion, the suggestion of a meeting for that purpose?

Ms Pretty: I was open to the suggestion of the meeting, but I was not open to the suggestion of dropping charges.

Ms Cronk: Did you agree to meet with the other directors?

Ms Pretty: I did not agree.

Ms Cronk: Did you signify one way or the other whether you were prepared to do so?

Ms Pretty: I said I would think about it, and they were pressing me at the time to set a date, and I said, "I

don't want to make any decisions right now about anything."

Ms Cronk: When you say "they" were pressing you to set a date, who was pressing you?

Ms Pretty: Vinh Tang, Can Le, mostly the board directors.

Ms Cronk: Did the minister, with reference to that, tell you at the meeting that you did not have to agree to a date and that you could think about it?

Ms Pretty: Yes, she did.

Ms Cronk: And was a date for that meeting in fact set?

Ms Pretty: No.

Ms Cronk: Did you signify one way or the other at the meeting whether you were agreeable to not proceeding with the charges? Did you say anything about that?

Ms Pretty: No.

Ms Cronk: In your press release, Ms Pretty, the first statement, the first press statement at tab 86, you indicate in the first paragraph, "The thrust of the meeting was on compromise." I'm sorry, I'll wait for you to get it.

Ms Pretty: Oh, yeah, here we are.

Ms Cronk: Tab 86, volume 3, in the first paragraph—

Mr Murphy: Are we done with volume 1?

Ms Cronk: For now.

The first sentence, "The thrust of the meeting was on compromise," do you see that?

Ms Pretty: Mm-hmm.

Ms Cronk: "Evelyn was in a very pacifying mode." Thus far, is that how you recall the meeting?

Ms Pretty: Yes.

Ms Cronk: And then it goes on to say, "I felt intimidated and pressured to agree to the suggestion by Evelyn Gigantes that I drop charges against the board of directors in order to solve the issue out of court." Stopping there for a moment, looking back on it today, with all of the thought that you have given to this matter and again the notes that you prepared concerning the meeting, is it your evidence that you felt intimidated and pressured at that meeting?

Ms Pretty: Absolutely.

Ms Cronk: By what?

Ms Pretty: By the environment, by the individuals and by the tone of the meeting. I was shocked that the minister basically avoided addressing the directors on their wrongdoings and that mainly everyone was looking at me to be the one to back down, and everyone else, they don't even get a slap on the wrist. It's like: "Okay, we go on from here. The past is the past. Let's forget it all and move forward, be productive."

Excuse me, but history repeats itself, and I happen to know that we learn a lot from history, and if people get away without having any consequences or any accountability, then the offences keep on going on and getting worse. That's why I felt very strongly about going ahead with my court case. A very serious offence had taken place, where I was denied information as a director, I was not able to do my job as a director. The other

board members were all biased, and it was extremely tense.

The easy thing for me to do was to say: "I don't need this. I don't get anything out of this. I don't get paid for this job. What am I here for?" But I got angry because here I am on a board of directors and it was an opportunity for me to do something worthwhile, and yet in everything that I tried to do I was stalemated, I was paralysed. They took away my power. They gave me power; they took it away. They told me things that were lies. They expected me to make important decisions, but they didn't give me the proper information and tools to work with.

Ms Cronk: And those things were enormously frustrating for you and a source of increasing anger over time. Would that be fair?

Ms Pretty: That's right, and that was my main motivating factor for sticking with this for so long.

Ms Cronk: If I could just ask you to come back to your press release, the first press release, for the moment, did you intend, when you said in this press release that you felt intimidated and pressured, to be suggesting that you felt pressured and intimidated by the minister?

Ms Pretty: I felt let down by her because she should be supporting me. I was the one that started writing and informing her of things that were going wrong at the Van Lang Centre. I was the one that cc'd information to her. I was the one that kept her abreast of everything.

Ms Cronk: And in fairness to you, you had been doing that for months.

Ms Pretty: For a long, long time, starting in October.

Ms Cronk: My question to you, Ms Pretty, was, when you said this in your press release, that you felt intimidated and pressured, were you intending to suggest that you felt intimidated and pressured by the minister or are you simply saying today that you felt terribly let down by her?

Ms Pretty: I was let down by everything. I was let down by the board. I was let down by the whole system, the Ministry of Housing. I was let down by basically the whole bureaucracy. It was a very frustrating experience to try and go up through all of the layers of the bureaucracy and experience conflicting statements and getting misdirected and just trying to wade through mountains of paper.

Ms Cronk: I understand your evidence as to the frustration and the effort over many, many months on your part to deal with the situation. What I'm asking you is, when you said in this press release that you felt intimidated and pressured, were you intending to say that you felt intimidated and pressured by the minister?

Ms Pretty: Yes.

Ms Cronk: Or are you simply saying to the committee that you felt terribly let down by her? You recognize the difference?

Ms Pretty: Yes, I do recognize the difference between the words "intimidated" and "pressured." I felt both, because, first of all, why should this have gone so far that we had charges with the crown? We were having

a meeting with Evelyn after the fact, at 10 Rideau overlooking Parliament Hill, in this beautiful boardroom. I was surrounded by doctors and ministers and ministers' staff, and I'm just a regular, everyday person, a tenant at Van Lang who took an interest in the place. And suddenly everybody is looking at me, going: "Drop the charges. Forget everything that's happened. Forget what we've done. Forget everything that's been done wrong. Forget how you feel. Just go for it. Just go on."

1520

Ms Cronk: Was it, then, the atmosphere in the meeting and the focus at the meeting on your charges and the removal of you as a director that you felt to be intimidating and a pressurized situation?

Ms Pretty: Basically, what I felt pressured about the most was that I went there thinking that the minister was going to support me. Especially after seeing all of the evidence that she saw at the meeting with Trinh Luu on June the 10th and all my letters and discussions and cc'd letters and everything else, I thought for sure that surely she'd realize the gravity of the situation and she would do what was right, and that was to tell the board that they have been wrong. But instead, I got told that I'm supposed to back down in order for them to back down, and then we've got to go back to square one and start talking again. It didn't work in the first place; it's not going to work.

Ms Cronk: Just so that I understand it then, when you say that you felt pressured and intimidated, it was because of those factors and the fact that you felt let down and were not supported by the minister. Do I understand correctly that it was for those reasons and not because of what she said to you with respect to withdrawing the charges?

Ms Pretty: No. I was feeling very intimidated and pressured because of the direction that the meeting took. I didn't expect that. I expected her to support me, and instead she asked me to back down, and she sided with the board basically.

Ms Cronk: In the course of the meeting, did the minister say to you on one or more occasions that you should not feel pressured, but that you—

Ms Pretty: Of course.

Ms Cronk: Did she?

Ms Pretty: But that doesn't mean I didn't feel pressured.

Ms Cronk: Did she say that to you more than once?

Ms Pretty: Many times.

Ms Cronk: And did she also say to you that you should take your time to consider what was being discussed and that you didn't have to make up your mind on anything at that very meeting?

Ms Pretty: She did, but that directly followed me saying that I would not make up my mind and set a date for a meeting or I would not decide on anything at that meeting. She followed immediately with that statement.

Ms Cronk: Do I understand then, Ms Pretty, that the entire atmosphere of the meeting, the focus at the meeting, as you felt it, on the charges that were outstanding,

the people who were present at the meeting and the way the meeting progressed led you to feel very pressured while you were there?

Ms Pretty: Yes.

Ms Cronk: As distinct from anything in particular that anyone said to you at the meeting, it was a combination of all those factors?

Ms Pretty: Yes. It was a combination of what was said and also the whole—all of the surrounding circumstances.

Ms Cronk: Was there any suggestion of any kind at that meeting, Ms Pretty, that the minister herself would approach the crown or the prosecutor about the charges?

Ms Pretty: No.

Ms Cronk: Was there any suggestion at that meeting by the minister that she would arrange for anyone else to approach the crown or the prosecutor about the charges?

Ms Pretty: No.

Ms Cronk: With respect to the suggested further meeting to take place between you and the other board members, I understand your evidence to the committee to be that you did not agree to a specific time for the meeting nor even to the meeting but that you were open to the suggestion.

Ms Pretty: Yes.

Ms Cronk: Is that right?

Ms Pretty: That's correct.

Ms Cronk: Do you recall two days after the meeting on June 19, the Sunday, having a telephone discussion with Dr Vinh Tang?

Ms Pretty: Mm-hmm.

Ms Cronk: And did you, during the course of that telephone discussion with him, indicate to him that you would have said at the meeting that you would meet him and the directors?

Ms Pretty: May I refer to that transcript?

Ms Cronk: Yes.

Mr Callahan: Is this another transcript?

Ms Pretty: Yes.

Mr Callahan: Do we have a copy of it? We don't have a copy of it.

Ms Cronk: Ms Pretty, so that everyone is clear, this was a telephone discussion, as I understand it, between Dr Vinh Tang and yourself on June 19th?

Ms Pretty: That's right.

Ms Cronk: Did you tape this discussion?

Ms Pretty: Yes, I did.

Ms Cronk: I have provided you, through your counsel, with a copy of the transcription that we made of that telephone discussion. Do you have that handy?

Ms Pretty: I don't have it handy.

Mr McKinnon: We just have the one copy.

Ms Pretty: Thank you.

Ms Cronk: Could I direct your attention, Ms Pretty, to the first page of the transcript.

Ms Pretty: Mm-hmm.

Ms Cronk: The conversation appears to begin with Dr Tang saying hello.

Ms Pretty: Yes.

Ms Cronk: And you inquiring, "Is that Dr Vinh?"

Ms Pretty: Yes, I called him.

Ms Cronk: Sorry, I'm having trouble hearing the witness.

Mr Harnick: Excuse me. Do we get a copy of this transcript?

Ms Cronk: It's being passed around now, I believe.

Mr Sutherland: Sorry, the clerk said it's one per caucus for now.

Mr Harnick: Is that what it is? Okay.

Mr Sutherland: She's gone to make more copies.

Ms Cronk: Do you have one there, Mr Harnick?

Mr Harnick: Yes, we have one, thank you.

Ms Cronk: May I back up then so that I'm sure the committee heard the evidence of the witness? The conversation appears to indicate that you telephoned Dr Tang. Is that correct?

Ms Pretty: Yes, I did.

Ms Cronk: That was on June the 19th?

Ms Pretty: Yes.

Ms Cronk: And that after you had identified yourself as Sharron Pretty, Dr Tang is recorded as saying: "Oh hi. How are you Sharron?"

Ms Pretty: Yes.

Ms Cronk: And you replied to that?

Ms Pretty: Mm-hmm.

Ms Cronk: Then he's recorded as saying—sorry, you're recorded as saying that you were "not too bad" and that you were "just wondering what was the status on this meeting today."

Now, stopping there for a moment, do I take that correctly to mean the meeting that had been scheduled with respect to the issue of your removal as a director?

Ms Pretty: Exactly, the Sunday meeting.

Ms Cronk: What time of day did this discussion take place? Do you recall?

Ms Pretty: I'm not sure.

Ms Cronk: Carrying on, then, may I just read the following to you:

"Dr Tang: Well, I thought we—we agreed not to meet today, right?"

"Sharron Pretty: "I—I understood that, but I'm just confirming it.

"Dr Tang: Yeah, yeah, yeah, okay. So, you know, I understand it that you also agree, you know, to take a compromising route, and would not pursue the case and we would postpone this meeting. So that's, I think we do accordingly, I guess.

"Sharron Pretty: Um, well, I was under the understanding that the meeting was—you were supposed to suspend this attempt to oust me from the board. The rest of it is up for debate. I haven't agreed to anything.

"Dr Tang: Well, well, well, well, I—I don't know

about that too well.

"Ms Pretty: Well if you'd like to go ahead with the meeting this afternoon, I'm sure the press would be interested.

"Dr Tang: What do you mean? No, no, no, I don't want—I'm not worrying about that.

"Ms Pretty: Uh-huh.

"Dr Tang: I'm not worrying about that. You know—I, I, I...

"Ms Pretty: Well they've been phoning me this morning wondering if there was going to be a meeting, and I said I'd phone you and find out for sure. And...you know....

"Dr Tang: ...my firm understanding. I—I mean I have to do according to the last time—the official time that we met."

Then you: "Uh-huh.

"Dr Tang: Which was last time at...."

Then yourself speaking: "On Friday.

"Dr Tang: The meeting on Friday.

"Sharron: Uh-huh.

"Dr Tang: On Friday with the minister. And then from my understanding of that meeting—okay—is that ah when the minister asked you if you agree to the compromising...proposal that she put forward, and I can see clearly I remember that you said 'yes.'

"Ms Pretty: I said that I would have...I said that I would—that I would meet you. I would meet with you and discuss it but we hadn't decided when—what time."

Now, stopping there for a moment, Ms Pretty, is that portion of the transcript an accurate representation or rendition of what was said?

Ms Pretty: Yes, it is.

Ms Cronk: Did you in fact, at the meeting on June 17th, agree to meet with the board to discuss the matters of difference between you?

Ms Pretty: Like I said before, the only thing I agreed to was to consider a meeting with the board as a possibility. I did not actually say, "Yes, yes, I will definitely have a meeting with you and this is the date." You know, they tried to get me to agree to it but I didn't want to. I wanted to think about what was said at that meeting on the 17th. I wanted to think about all the options and what was the best move to make.

Ms Cronk: Did Dr Tang say to you, as suggested by this transcript, in that discussion with him on June 19th, that it was his understanding that you had agreed to take a compromising route and would not pursue the case and that they would postpone the meeting scheduled for June 19th? Is that what he said to you?

Ms Pretty: Yes.

1530

Ms Cronk: And had you agreed to that?

Ms Pretty: Had I agreed to a meeting? I had not—

Ms Cronk: Had you agreed to take a compromising route—

Ms Pretty: No.

Ms Cronk: —and to not pursue your case if they would postpone the meeting?

Ms Pretty: No, I hadn't. He heard what he wanted to hear.

Ms Cronk: At the end of the meeting, did you leave the meeting alone or were you accompanied by anyone?

Ms Pretty: Actually, I was accompanied by Evelyn and Audrey.

Ms Cronk: Audrey Moey?

Ms Pretty: Audrey Moey.

Ms Cronk: Did you go down on the elevator together?

Ms Pretty: Yes, we did.

Ms Cronk: And did you have any discussion with her on the elevator?

Ms Pretty: Sure.

Ms Cronk: Was it just a common exchange of civilities, nothing about what happened at the meeting?

Ms Pretty: I was so blown away by the meeting I didn't know what to think, so I kept it very superficial.

Ms Cronk: Did you, either as you were leaving the meeting or when you went down on the elevator with the minister and Ms Moey, indicate to her that you had felt pressured or intimidated at the meeting?

Ms Pretty: Yes, I did say I had felt it was a very intimidating experience for me. I did say that to her.

Ms Cronk: And did you, at any point in that discussion, suggest to her that any of her actions or any of her remarks had made you feel that way?

Ms Pretty: No. We didn't get into that. We didn't get into it.

Ms Cronk: And in fairness, in so far as you're concerned, Ms Pretty, was it any of the minister's actions or anything that she had said that had caused you to feel that, or was it a collection of circumstances, the nature of the meeting, the people who were there, the atmosphere, the matters discussed and the way the meeting progressed?

Ms Pretty: The most intimidating thing for me and disillusioning thing for me was the fact that the minister took that particular stance. It threw me off balance. I was so disappointed. I felt abandoned, actually, because here I was alone against everybody and I thought that Evelyn had called this meeting because she had seen all this evidence that Trinh Luu had shown her on June 10th—reams of evidence. She had agreed with Trinh at the time, saying, "Oh, this is messy." And Trinh had said, "It wouldn't have been so messy if you had listened to us months ago."

Ms Cronk: Did you, when you left the meeting, when you rode down on the elevator with the minister or as you were leaving the building, tell her any of that?

Ms Pretty: No.

Ms Cronk: Did you tell her that you felt intimidated by what she'd done at the meeting or what she'd said?

Ms Pretty: No, I didn't.

Ms Cronk: And in fact, as I understand it, is it

correct that you proposed having lunch together?

Ms Pretty: I told her that Trinh and I were supposed to meet and she said she was going into one of the salad places. I think I said something like, "Would you like to join us?" or something. I don't know. It was just a—

Ms Cronk: And did that occur?

Ms Pretty: No.

Ms Cronk: How did you understand the meeting to have concluded, Ms Pretty?

Ms Pretty: As far as I'm concerned, everything was still up in the air. I was not going to drop the charges. I knew that. I wasn't sure I was going to have a meeting with the board, because I had had to face so much abuse for the past year from that board of directors that I just didn't relish the thought of having to look at them again. And so of course we couldn't set a—I couldn't commit myself to a date for that meeting because I just didn't want to have it.

Ms Cronk: In so far as you were concerned, was anything agreed upon at that meeting?

Ms Pretty: No. Nothing.

Ms Cronk: When you met with Mr Dare on that day, on June 17th, leading to his article of June 18th that we looked at a few moments ago—do you remember that?

Ms Pretty: Yes.

Ms Cronk: Am I correct that there's nothing in Mr Dare's article that suggests that you told him you felt pressured or intimidated at that meeting?

Ms Pretty: Let me just scan it again, okay? Just give me a second.

Ms Cronk: Take all the time you need.

Ms Pretty: Okay.

Ms Cronk: I'm suggesting to you that there's nothing in that article indicating that you told Mr Dare that you felt intimidated or pressured when you left that meeting. Am I right in that?

Ms Pretty: No. Let me—if it's possible, I'd like you to get into my head a little bit. On Saturday the full reality of that meeting on June the 17th was hitting me. I was actually quite depressed and I stayed depressed most of the day. That's why I only wrote a few notes down on Saturday and they just sort of stopped abruptly. It wasn't until Sunday afternoon or so when I started to feel a little bit more—I was starting to gather myself together more and that's when I started recalling more clearly what had transpired, what was said, and I started writing things down again.

Ms Cronk: All right. So on Friday when you spoke with Mr Dare, you didn't tell him that you felt pressured or intimidated at the meeting?

Ms Pretty: I hadn't had a chance to really sit down and evaluate how I was feeling. I just knew that I was really disappointed and I felt kind of hopeless, because this had been a long, long fight and both Trinh and I had put a lot of effort into trying to right things at the Van Lang Centre, with the best intentions, and nothing was happening.

Ms Cronk: I have just one or two more questions for

you, Ms Pretty. Could I ask you to look again at your second press statement, the one of June 23rd. It's found at tab 100.

Ms Pretty: Okay. Which volume is it?

Ms Cronk: That's volume 3.

Interjection: I think it's at tab 87.

Ms Cronk: Actually, I guess it's at both tabs. That's right.

Ms Pretty: Sorry?

Ms Cronk: You can go to tab 87 if you'd like of that volume.

Ms Pretty: Okay, because it isn't at that tab 100, unless it's—

Interjection: Tab 87.

Ms Pretty: Yeah. It wasn't at tab 100.

Ms Cronk: Sorry. This is your second press statement dated June 23, 1994?

Ms Pretty: Yes, it is.

Ms Cronk: Do you have that? Okay. Could I ask you to look at page 3, if you would. Have you got that?

Ms Pretty: Yes.

Ms Cronk: The third full paragraph, which reads as follows: "As revealed in my account of the June 17 meeting issued yesterday, June 22, 1994, it is clear to me that the June 17 meeting initiated by the minister was intended to persuade me to ask the crown to drop the charges for the best interests of all concerned." On what basis were you suggesting in this document, Ms Pretty, that the meeting was intended to persuade you to drop the charges?

Ms Pretty: Just from all of the facts, if you look at them in sequence. If I presume to be the minister for a moment and look at the facts, I think, what other options would she have had?

Ms Cronk: Was this then your impression, having been at the meeting and in reflecting on it, as to what you thought the purpose of the meeting was?

Ms Pretty: Yes. It was clear to me. That was my perception. That's all I can say. I'm not speaking for anyone else.

Ms Cronk: That's what I was getting at. It was your perception of the meeting.

Ms Pretty: It's my perception, yeah.

Ms Cronk: Certainly no one suggested that to you?

Ms Pretty: No.

Ms Cronk: With respect to the next paragraph, "Mrs Gigantes said, 'I am sure that if you went to the crown and explain that you would like to drop the charges for the best interests of all concerned in order to settle this dispute out of court, they would understand,'" now, I can take you to the exact language of it if you wish, Ms Pretty, but may I suggest to you that that is different language again from what is in your handwritten notes or your first press statement as to what you suggest that Ms Gigantes said. You've just expressed it differently here. Would that be fair?

Ms Pretty: Well, it was probably another statement.

Ms Cronk: Well, do you remember her saying that, what you have in quotes?

Ms Pretty: Yes. Yes, I do.

Ms Cronk: In that language?

Ms Pretty: Yeah.

Ms Cronk: Including the use of the phrase "settling this dispute out of court and dropping the charges"?

Ms Pretty: Yes.

1540

Mr Callahan: Can I just inquire what other statement you're talking about that it's inconsistent with? Is that the one at tab 86, the first press statement?

Ms Cronk: No, I've suggested to the witness, Mr Callahan, that in her handwritten notes and in the first press statement there are different expressions of what the minister said and that this language is a different expression of what was said.

Mr Callahan: Which paragraph are you referring to? Because I thought I had the wrong paragraph. I've got paragraph 1, 2, 3, 4—the fifth paragraph seems to be almost a mirror image of what she said there. She says in that paragraph, "I find it ludicrous to suggest that I go to the crown and say I've changed my mind.... After all, the crown considered..." and so on. That's not much different than, "I'm sure if you went to the crown and explain that you would like to drop the charges for the best interests of all...."

Ms Cronk: The witness has said, Mr Callahan—and I'll have the witness clarify it and I'll explore it with her—that the minister repeated the suggestion to her in a number of different ways at the meeting and I'm simply suggesting to the witness that this particular characterization of what the minister said uses different language than that contained in her first press statement or her handwritten notes. Just to give you an example of that, Ms Pretty, could I ask you to go to the first press statement, if you would. That's at tab 86.

Mr Stephen Owens (Scarborough Centre): Just following on Mr Callahan's question—and, counsel, I don't want to presume your line of questioning, but I'm not clear on the construction of the notes, the chronology and perhaps who actually did the note-taking and the writing of these press releases. I'm not clear from testimony that we've heard today and so far this afternoon.

Ms Cronk: Well, thank you for indicating that to me. I had put certain questions to the witness in an effort to establish that. Perhaps I can revisit it if there's some lack of clarity.

Sorry, Ms Pretty, was there something you wanted to draw to the attention of the committee?

Ms Pretty: No.

Ms Cronk: All right. Could I ask you to look at your press statement at tab 86?

Ms Pretty: Yes, I'm looking at it.

Ms Cronk: Just by way of example, I'm asking you to look at the fourth full paragraph, the one that we spent some time talking about. "Evelyn emphasized that she was only 'suggesting' a possible solution but she did

repeat her suggestion at least three times," and then there's a number of quotes attributed to the minister. You and I talked about that and you said that she told you those things at the meeting. Remember that?

Ms Pretty: Mm-hmm, yes.

Ms Cronk: Just looking at that language, what I'm suggesting to you is that that expression of what she said, those various statements are different than the expression contained on page 3 of your second press statement. Would you agree with me? It doesn't mean that she didn't say it; it's just different.

Ms Pretty: Well, it's a little bit more elaborate, that's all.

Ms Cronk: It's different language, isn't it?

Ms Pretty: Well, let me take a look at it again. I don't think that's—you know, sometimes she used short sentences and sometimes she used longer sentences. It's—

Ms Cronk: Would you agree with me that the language contained at page 3 is different than the descriptions found in the first press statement? Again, I'm not suggesting to you that she didn't say it; I'm just saying it's been characterized a little differently. Is that fair?

Ms Pretty: Yes, it's slightly different; it's just a little bit longer.

Ms Cronk: With respect to the preparation of the press statements, we went through earlier today when your handwritten notes were prepared and when your first press statement was prepared and when your second press statement was prepared.

Ms Pretty: Mm-hmm.

Ms Cronk: With respect to the first press statement, did you prepare it yourself or in consultation with Trinh Luu or anyone else?

Ms Pretty: No, the first one was me.

Ms Cronk: And what about the second one, June 23rd?

Ms Pretty: The second one I worked at her place and she helped me with the chronological order. As you know, Trinh is a magician with facts and names and dates, so it made things a lot more simple for me, and she also had a fax machine at her house, so we decided to work at her place.

Ms Cronk: And with respect to your handwritten notes, did you prepare those yourself or in consultation with Trinh Luu?

Ms Pretty: No, those were completely by me.

Ms Cronk: So that I understand how you felt about this meeting, Ms Pretty—and please correct me if I don't put this to you in the way that you feel about this meeting—would it be fair to say that you had been trying, from your perspective, for many months to meet with the Minister of Housing?

Ms Pretty: Yes.

Ms Cronk: That a meeting had occurred earlier that month with Trinh Luu but it didn't involve you and as far as you were concerned you weren't invited to that meeting?

Ms Pretty: That's right.

Ms Cronk: Then a meeting is arranged for June 17th, 1994, but you find out about it by accident because of your own inquiries of other board members?

Ms Pretty: That's right.

Ms Cronk: You attend the meeting and it's taken a long time to get there. Is that fair, from your perspective?

Ms Pretty: Mm-hmm, a long time.

Ms Cronk: You had a lot you wanted to say.

Ms Pretty: Mm-hmm.

Ms Cronk: A lot, I suggest, that you were hoping might be achieved.

Ms Pretty: Yes.

Ms Cronk: And much that you expected from the minister.

Ms Pretty: I expected her to do her job.

Ms Cronk: And by doing her job, did that include trying to resolve the difficulties at the Van Lang Centre, in your mind?

Ms Pretty: Yes.

Ms Cronk: And did it include, from your perspective, dealing with many of the concerns that you'd raised over the preceding months?

Ms Pretty: Yes.

Ms Cronk: And did you expect some or any of those to be dealt with at the meeting on June 17th?

Ms Pretty: Yes, I did.

Ms Cronk: And some, as I understand it, were discussed; some of those issues were discussed?

Ms Pretty: Yes.

Ms Cronk: But no resolution of those issues was reached?

Ms Pretty: None.

Ms Cronk: And on a personal level, you felt disappointed by what had occurred, and in particular disappointed by the minister's actions at the meeting?

Ms Pretty: Yes, I was.

Ms Cronk: Would it be fair to say that you had quite high expectations of her at that meeting, going into the meeting?

Ms Pretty: She was the only one that could make any difference by that point.

Ms Cronk: And you perceived and you felt on a personal level disappointment with what you thought was a lack of support to you at that meeting?

Ms Pretty: Yes.

Ms Cronk: And you came away from it, I take it, uh, feeling that you had been both—that you were intimidated during the course of the meeting and that you had been subjected to pressure. Is that fair?

Ms Pretty: Yes.

Ms Cronk: And you've described to the committee your state of mind and how you felt the next day, on the Saturday. And was it then, over the course of the weekend, that you started to collect your thoughts and to put down your notes about what had occurred?

Ms Pretty: That's correct.

Ms Cronk: I'm obliged to put to you, Ms Pretty, that from the perspective of others who may have attended the meeting, that what the minister may have been trying to accomplish was to mediate the differences between parties who had been involved in an acrimonious dispute for many, many months; namely, yourself and other members of the board. Would that be equally fair?

Ms Pretty: Yes.

Ms Cronk: And that she was attempting at the meeting to establish an atmosphere of conciliation and to mediate those differences and to encourage you and the other directors to move in that direction?

Ms Pretty: Yes, but I felt it was a little late.

Ms Cronk: Apart from the timing of it, whether it should have happened sooner, is that what she was trying to do at the meeting? Is it fair to characterize it that way?

Ms Pretty: I have no way of knowing why the minister held that meeting.

Ms Cronk: Well, I didn't ask you that, Ms Pretty.

Ms Pretty: Well, in a way you are.

Ms Cronk: No, I'm suggesting—I'm asking you whether it is fair to also characterize what occurred at that meeting as an effort by the Minister of Housing to mediate the differences among the people who were there and to suggest that they try to resolve those differences.

Ms Pretty: That's what she stated.

Ms Cronk: And is that a fair characterization of what occurred, looking back on it, based on what you remember of the meeting? Is that what she was trying to do?

Ms Pretty: Ohh—I feel almost like I have to answer for the minister.

Ms Cronk: No, I'm asking you how you felt, looking back on the meeting, and if that's an unfair way to put it, I want you to tell me. But I'm suggesting to you that, given what occurred at the meeting, is that also what the minister was trying to do, and that is to encourage you and the other directors to try to resolve your differences?

Ms Pretty: That's what it appeared to be to me.

Ms Cronk: All right. And would it also be fair to suggest that she was encouraging all of you at that meeting to put behind your past differences and to think to the future of the Van Lang Centre?

Ms Pretty: That's what she said.

Ms Cronk: And did she also suggest that, for that reason, another meeting be held or that you consider another meeting—that is, you and the other directors—when these matters might be discussed?

Ms Pretty: That's correct.

Ms Cronk: And did she also, in the course of the meeting, talk about the actions that were being proposed by the board, namely, the suggested removal of you as a director, and the actions in which you were then involved, namely, the charges that had been initiated?

Ms Pretty: Yes, she did.

Ms Cronk: All right. And is it fair, in the context of all of that, to say that she didn't meet your expectations, that you were disappointed with what occurred at the

meeting and you came away from it feeling very let down?

Ms Pretty: Yes, that's correct.

Ms Cronk: Over the course of that weekend, did you have any further discussions with any members of the board of directors of the Van Lang Centre apart from Dr Tang on Sunday, June 19th?

1550

Ms Pretty: I don't think so. I'm getting very tired. I'm having trouble remembering anything at this point.

Ms Cronk: I have about three more questions for you and then I'm going to ask the Chair if we might rise for a break, and then I suspect the caucus members may have a number of questions for you.

Ms Pretty: If there's any documentation that you could refer me to, to help me at this point—

Ms Cronk: Could I ask you to go to tab 93 of—it's still the same volume—volume 3. This is a memorandum that we didn't actually look at earlier this afternoon. It's dated June 19th from Mora Thompson—I'm sorry, to Mora Thompson from Trinh Luu. Have you seen this before?

Ms Pretty: No, I've never seen it before.

Ms Cronk: Could you take a moment, please, and just read it. It's not that long. Perhaps you could just read it for me and then I have a question for you.

Have you had a chance to read it?

Ms Pretty: I just need one second. What's the date? June 19th?

Ms Cronk: This is dated June 19th. Are you looking at some press articles?

Ms Pretty: Yes, I am. There was a quotation made by Evelyn Gigantes that totally corroborated what I'm saying.

Ms Cronk: All right. Well, if you would like over the break to turn that up or to find it in the documents and show it to me, I'd be glad to look at it and discuss it with you, and I invite you to show that to the committee. But for the purposes of this memorandum, have you had a chance to read it?

Ms Pretty: Yes.

Ms Cronk: All right. Do you recall being present during a discussion on Sunday, the 19th of June, involving Dr Hieu Truong?

Ms Pretty: Yes, I do.

Ms Cronk: And do you recall Michael Séguin and Trinh Luu being there as well?

Ms Pretty: Yes, Michael Séguin and Trinh Luu were there.

Ms Cronk: Sorry if I mispronounced his name. And were Pat Dare and David Rider there as well?

Ms Pretty: Yes.

Ms Cronk: And was that in the context of the board meeting that was to have taken place on June 19th?

Ms Pretty: Yes.

Ms Cronk: And did that occur?

Ms Pretty: No. The board meeting didn't happen, but

I had received several phone calls from, well, first Pat Dare and Dave Rider wondering what was going to happen about that meeting and to make sure whether or not it was going to take place. Although they had promised that they were going to postpone it, we weren't sure.

Ms Cronk: So is it for that reason that you went?

Ms Pretty: I went to make sure that they didn't have a board meeting.

Ms Cronk: And did any director other than Dr Truong and yourself show up?

Ms Pretty: No one else showed up, and Dr Truong came quite a long time afterwards. Oddly enough, the office assistant had the office open at the time that I went down, so they must have been expecting some kind of press or some meeting.

Ms Cronk: Does this memorandum accurately set out a statement made by Dr Truong at that meeting or during the course of the afternoon?

Ms Pretty: Yes.

Ms Cronk: And is that, from your perspective, essentially what Dr Tang had suggested to you in your telephone discussion with him?

Ms Pretty: Yes, exactly. They all thought I had come to some kind of understanding about a compromise.

Ms Cronk: The compromise being that you would drop the charges and they would postpone the meeting.

Ms Pretty: And they would postpone the meeting, yes.

Ms Cronk: All right. And do you have a recollection in your own mind of Dr Truong saying that on June 19th?

Ms Pretty: Absolutely. I was so shocked that he said that in front of two reporters.

Ms Cronk: Why were you shocked?

Ms Pretty: Well, because he was telling the truth.

Ms Cronk: Why would that shock you?

Ms Pretty: I don't know. I guess—if you don't mind, I don't want to elaborate on that one. It's just—it goes without saying.

Ms Cronk: Is that statement accurate as recorded in the memo, accurate in the sense that he said it?

Ms Pretty: Yes, he did say that.

Ms Cronk: Could I ask you to look at tab 88, please. This is a memorandum dated June 17th from Trinh Luu to James Wallace. Do you have that?

Ms Pretty: Oh—

Ms Cronk: Sorry, tab 88.

Ms Pretty: Yes. It's my mistake.

Ms Cronk: Have you seen this memorandum before?

Ms Pretty: No.

Ms Cronk: All right. Over the luncheon break today, which now no doubt seems a long time ago, Ms Pretty—

Ms Pretty: It's time for supper, isn't it?

Ms Cronk: —I asked you to look at the transcript of your discussion on May 19th with Sue Lott. Did you have a chance to do that?

Ms Pretty: No, I'm sorry.

Ms Cronk: I'm going to ask, if you wouldn't mind, if you could take a look at it over the course of the break, and would you let me know if it is an accurate rendition, as far as you're concerned, of the discussion that you held with her.

Ms Pretty: Okay.

Ms Cronk: And also the May 19th transcript of the discussion between Ms Pretty and Sue—

Mr McKinnon: That was given to us on our return from lunch.

Ms Cronk: Yes. And similarly, with respect to the June 19th transcript with Dr Tang, I drew your attention to the first two pages of it. It's very long. I'm not going to ask you to read the rest of it over the break, but I believe you told me that the portions that I drew to your attention were an accurate rendition of the discussion that you had with him, as you recall it. Is that correct?

Ms Pretty: Mm-hmm.

Ms Cronk: Ms Pretty, is there anything else about the June 17th meeting with the Minister of Housing that you wish to tell the committee that I have neglected to ask you about?

Interjection.

Ms Cronk: Sorry, Mr McKinnon?

Mr McKinnon: I'm asking her to review notes before she answers.

Ms Cronk: Well, perhaps if we could rise, Mr Chair, and take our break now, the witness could consider that.

Ms Pretty: Yes. Thank you.

The Chair: A 10-minute break.

The committee recessed from 1558 to 1620.

The Chair: Okay, if we can resume the hearings, Ms Cronk, carry on.

Ms Cronk: Thank you, Mr Chair. Ms Pretty, did you have a chance to review the transcript of the discussion between Ms Lott and yourself on May 19th, exhibit 5?

Ms Pretty: Yes, I did.

Ms Cronk: And does it represent an accurate rendition of the discussion in so far as you're concerned?

Ms Pretty: As far as my memory goes, yes, it's pretty accurate.

Ms Cronk: Is there anything in it that you think is not?

Ms Pretty: No. I recognize a few little things that I said throughout, so I have to assume that it's accurate.

Ms Cronk: Thank you. And you'd already told me with respect to the first two pages of the transcript concerning your discussion with Dr Tang—it's actually the first three pages—of June 19th that you regarded that as an accurate rendition of your discussion with him. Is that correct?

Ms Pretty: Yes.

Ms Cronk: I neglected to ask you, which even to me is quite astounding, that I didn't ask you this earlier, Ms Pretty, so may I ask you now: You taped a number of discussions with a variety of people related to your

discussions about the Van Lang Centre in 1994. Did you tape the June 17, 1994, meeting?

Ms Pretty: I wish I had.

Ms Cronk: So do I. Thank you very much. Those are my questions. I take from that you did not.

Ms Pretty: No.

Ms Cronk: Thank you.

Interjection: We wouldn't be here.

The Chair: I'll be rotating with the caucuses, and we'll be starting off with the Conservatives and Ms Marland.

Mrs Marland: Thank you, Mr Chairman. Obviously, Ms Pretty, your time on the board has not been an easy experience for you, and you in fact said at one point earlier this afternoon that it would've been easier just to give up and walk away. I hope I'm not cross-examined on my paraphrasing you, but you said something in similar words.

You also said that you didn't want to go to the media, and I know that when Trinh Luu came to meet with my staff, she actually gave instructions to my staff that you and she, Trinh, wanted to get this resolved through the minister and through the minister's staff and that it wasn't your choice to go public, which means going through the media. And we respected that request by you and Trinh, you indirectly; you didn't meet with Mora Thompson, but certainly Trinh did. Mora Thompson respected that by calling Marc Collins and telling him that, you know, there was this problem—obviously, he was aware of it—and would he please get it resolved.

You've been asked today about what happened at the 17th of June board meeting. I'm just wondering how you would feel if you knew that somebody else at the board meeting wrote a memo after the board meeting describing the board meeting as an ordeal. Do you find that interesting, that someone else other than yourself who was at that meeting also found it an ordeal?

Ms Pretty: I'd say that that person's telling the truth.

Mrs Marland: You also mentioned at one point that when you were talking about the number of things that you were concerned about in terms of the operation of the board of directors of the Van Lang Centre and some of the concerns that Trinh Luu had had about that operation, one of the things you mentioned was directors' liability.

Ms Pretty: Yes.

Mrs Marland: Do you mean directors' liability insurance when you refer to that?

Ms Pretty: Yes.

Mrs Marland: I think there also has been some reference to a previous employee suing the directors. I don't know whether the previous employee is suing a number of directors or an individual board member, but there is a suit going on between a previous employee and one of the board or the board as a whole, I understand, and that has involved legal expenses so far.

Ms Pretty: Yes, it has.

Mrs Marland: Can you tell us who's paying those

legal fees for the board at this time?

Ms Pretty: Once I was able to gain some kind of—

The Chair: Excuse me, Sharron, could you get closer to the mike?

Ms Pretty: Sorry. Once I was able to gain my rights as a director to access corporation documents, I was able to uncover several pieces of written material that indicate that the operating budget is paying for that legal counsel.

Mrs Marland: So this is the operating budget of a non-profit housing corporation—

Ms Pretty: That's right.

Mrs Marland: —that doesn't have directors' liability insurance and those funds are being used for a private suit between a previous employee and the board now.

Ms Pretty: That's correct.

Mrs Marland: I guess we can ask the ministry whether operating budgets are allowed to be used for legal services or legal fees of that sort, and I think we'll probably find that's an interesting answer.

You've been asked a number of times this afternoon about how you felt in the June the 17th meeting. I apologize for jumping around in subjects, but actually that's how the evidence has come out today. It's jumped around chronologically as well, by necessity. At one point you were describing how you felt in the meeting and you said you were sitting in this room with a minister of the crown and her staff and you said "doctors," and I think this is because at least three of the board members have their PhD.

Ms Pretty: Yes.

Mrs Marland: You said you looked out the window and you could see Parliament Hill and I'm wondering if what you're describing to us there is, as you tried to earlier today, that you're none of those things. You're not a minister of the crown and you don't have a PhD and you're not on the minister's staff. You see Parliament Hill outside the window, which for you represents justice and the rights of people, and yet there you are as—

Ms Pretty: And honesty.

Mrs Marland: And honesty—and there you are as an individual, single person who is living in the Van Lang Centre, thrilled and happy, I think I've heard you say in the past, about—you're very pleased about this non-profit project and that you live there. And suddenly you're in this meeting, in this kind of a setting, and I'm wondering what upset you the most in terms of sitting in this room, one person versus eight, in that kind of setting. What was the feeling that you had at that meeting? You did answer one question about intimidation, but was it finally a feeling of determination on the one side because you have also said today you were determined to proceed with your charges because you felt that was the only way to solve the problem, but was it also somewhat a feeling of hopelessness too?

Ms Pretty: Yes.

Mrs Marland: So if all of it would have been much easier for you—I mean, you're down here in this hearing, in an experience that I am sure you don't ever want to have to go through again. It's fairly easy for all of us

because we're in this milieu all the time, but you're completely a fish out of sea in this milieu here. All you are is an ordinary citizen trying to resolve a problem in the building development in which you live, the housing development in which you live. I've also heard you say how much the interconnection between yourself and the Vietnamese people in Van Lang Centre was something that you really enjoyed. You talked about enjoying getting to know them and their culture, and that's something that has to do with your artistic background. You've always enjoyed other cultures.

Ms Pretty: Yes, that's right.

1630

Mrs Marland: And from a number of aspects. Why do you think it is that you didn't just chuck it all in, I mean, even six months ago? Why do you think you've persevered when obviously the board wanted you removed a long time ago? Certainly Dr Can D. Le, he must have thought you were one big troublemaker. What is it, do you think, that's given you the strength and motivated you to carry on whereas most people long ago—especially when you're living there and you have to cope every day with seeing the people that are in the same environment as you are, what is it that has motivated you and given you the strength to keep going?

Ms Pretty: I thought that the system worked and—

The Chair: Ms Pretty, could you just come in a little bit closer.

Ms Pretty: Okay. I thought that the system worked, and when I got involved in a political forum, it didn't take very long before I realized that it doesn't work the way I thought it did. But what I do believe in is that a person should tell the truth and a person should try and uphold the values that the country expects of its citizens as Canadians, and those values are to protect democracy. I know this probably sounds very idealistic, but it's the way I feel.

I saw that just in the context of Van Lang Centre, there was no democracy, and it upset me that the people in the building who had come all the way from Vietnam in boats, some had drowned, people, you know, killed, they'd gone through so much horrendous experiences to get here to enjoy freedom and we had built a little Vietnam at 30 Van Lang and the oppression still ruled and the communism still ruled and the fear still ruled. And I thought, "These are new Canadians. This building was put up so that we can have integration, not isolation," and the people at the top of this board were promoting isolation and it was at the Canadian taxpayers' expense. And I got mad.

Mrs Marland: Were they promoting control? Because the people at the top of the board were also Vietnamese, were they promoting control?

Ms Pretty: Yes.

Mrs Marland: Would you recommend that one of the solutions might be to have on the board some people who, yes, are Vietnamese, because they understand the Vietnamese tenants from a language and cultural background, but also have a number of people on the board who are not at all related to that community but can look

to fairness in governance of the project?

Ms Pretty: Again, I'd like to say that I believe in integration and so, yes, my answer's yes to what you're saying. I think that on one hand they're trying to promote English classes, they want to learn the language, but on the other hand an environment has been set up where they're isolated from Canadians. And although the board was forced to take a certain number of non-Vietnamese into the building, they are not adhering to guidelines and taking in the number of tenants of non-Vietnamese origin that they should be. So, in effect, what's happening is it's on the road to becoming an all-Vietnamese building, and that would be a crime.

Mrs Marland: Would there be—how much time do we have left? Because I want to leave some for my—

The Chair: You've used 12 minutes.

Mrs Marland: Thank you.

What would be the reason that Dr Can D. Le would not want to have accurate minutes of the meetings, that he had this format for writing his own version of what took place at board meetings?

Mr Callahan: Is that getting into the charges?

Mrs Marland: No, the charges are relating to the access of information.

Ms Cronk: That's my understanding.

Mrs Marland: Yes. I'm simply asking—both witnesses have told us that Dr Can D. Le would not record the board meetings as they proceeded, and you used a tape recorder because the minutes that came out which he recorded were different.

Ms Pretty: They were selective.

Mrs Marland: Why do you think he would do that? Why would he not want to record what happened at the board meetings?

Ms Pretty: Because he—

Mr Phillip G. Hunt: Mr Chairman, if I might interject. Phillip Hunt on behalf of—

The Chair: Okay. Would you come up to the mike here, please.

Ms Cronk: Mr Chair, for you and for the benefit of the other committee members—

The Chair: Would you identify yourself also, please.

Ms Cronk: Mr Phillip Hunt represents the other directors of the Van Lang Centre.

The Chair: Go ahead, sir.

Mr Hunt: Thank you, Mr Chair. Mr Chair, members of the committee, Ms Cronk, the question that's being put to the witness is (a) asking her to speculate on something that would be the substance of presumably Mr Le's testimony and more valuable if it's put to him, but more importantly my concern is that one of the matters that was raised in provincial offences court is with respect to, if I recall the wording correctly, untrue or incorrect entries. So my position would certainly be that the question that has been put is with respect to one of the matters that is pending before the court.

Ms Cronk: May I have a moment, Mr Hunt, just to check that?

Mrs Marland: I don't mind accepting that. I can go with another question.

The Chair: Okay, I should stop the time on this.

Ms Cronk: Thank you, Mr Hunt. I didn't check it. Mrs Marland is accepting—

Mrs Marland: To go to another question, then, after you didn't get a reply from your 29th of October letter, at some time later you were speaking to Sue Lott—either you were or Trinh Luu was, but you were working together on some of that correspondence—and Sue Lott said “that the letter had been pulled,” that it was considered to be a very important letter and it had been pulled. Were you encouraged when you heard that? You thought, “Well, there's finally going to be some action”?

Ms Pretty: Yes. Oh, yes, I was very happy.

Mrs Marland: So when you continued to have the same experience in the next five months, when it finally got around to March and all these people had promised you a remedy, you reached a point where there simply wasn't a remedy coming. You had talked to the top person, Mr Sutherland, and everybody had said that they would address the concerns that you had brought to them.

Ms Pretty: Yes.

Mrs Marland: Finally, it gets to March and you start looking at what your other options are, and you decide to seek some professional, independent help.

Ms Pretty: That's right.

Mrs Marland: I think all the MPPs at this table have at some time, and maybe on numerous times, in their political careers heard that same quote, “If I don't get any action, I'm going to go to the media.” That's a very common solution that people see as a resolution to a problem. They think that going public may help. The irony is, of course, that it always comes back to the bureaucracy to actually effect the solution. But maybe the pressure of going public is something that helps. But when you said that, in one of your meetings you said, “I may have to go to the media,” was that out of absolute frustration because at that point you didn't know what else you could do?

Ms Pretty: Yes.

Mrs Marland: Yet, even having said that back perhaps as early as March, you still had Trinh Luu meet with Mora Thompson on the 25th of May for one more try at going the right route, which was through the minister and her staff, to solve the problem of a non-profit housing corporation which was under the jurisdiction of the Ministry of Housing.

Ms Pretty: That's right.

Mrs Marland: Mr Harnick has a question.

Mr Harnick: Ms Pretty, you've told us that for the last 45 minutes of the meeting you pretty well dealt with the idea of you withdrawing your charges in exchange for the board not proceeding to remove you as a director. Is that correct?

Ms Pretty: It was interspersed with other comments.

Mr Harnick: You've told us quite clearly what you said and what the minister said. What I wonder is, there were several other people there, and was there a sense of

frustration at trying to deal with and determine these couple of issues among those other people?

Ms Pretty: For me?

Mr Harnick: For them, as well as for you. You've told us about your frustration. What I'm wondering about is your observations of the other people who were there.

1640

Ms Pretty: It looked to me like everyone else was quite comfortable. I didn't feel comfortable.

Mr Harnick: See, I gather there was never any agreement achieved because there was some idea that the minister was trying to promote yet another meeting. Is that correct?

Ms Pretty: Yes.

Mr Harnick: And the minister, I gather, had not yet received a commitment from you to withdraw your charges.

Ms Pretty: That's right.

Mr Harnick: Did the fact that you spent a considerable portion of the meeting talking about that and not getting your cooperation to resolve the issue the way they wanted it resolved amount to some frustration in all parts of the room?

Ms Pretty: Well, I can tell you about one example. Mr My Nguyen said to the minister, close to the very end of the meeting, he said: “Evelyn, you asked Sharron earlier on if she was willing to compromise and to drop the charges. So what's her answer? She didn't answer. I want to know what she's going to do.”

Mr Harnick: They wanted, obviously, at least in your mind, I think, a firm commitment when the meeting was over that you were going to drop the charges. Is that correct?

Ms Pretty: They sure did, yes.

Mr Harnick: And were there any other examples of the frustration around the room? Were people becoming exasperated after this 45 minutes and Sharron still hadn't said she was going to drop the charges?

Ms Pretty: Dr Hieu Truong, who was sitting right to the left of me, got quite aggressive, actually, at one point. I had to tell him that I felt he was being aggressive and he sat back in his chair and shut up.

Mr Harnick: So is it safe to conclude—you've told us what you said and you've told us what the minister said—that the feeling in that room, over the course of those 45 minutes or so, was one of extreme frustration because you hadn't made a determination that you would withdraw your charges?

Ms Pretty: There was a push-pull feel to it, yes.

Mr Harnick: All right. Thank you very much.

The Chair: Mr Winninger.

Mr Winninger: Thank you, Mr Chair. Earlier in these proceedings you had to answer questions over a period of several hours, and we have approximately 20 minutes for questions from government members on this committee. I have to say that Ms Cronk, as counsel to the committee, in her neutral role has done a superlative job of bringing out some of the facts and eliciting the information that is

very necessary for this committee to make its final determinations at the end of all of the evidence. However, I do have a few questions for you.

First of all, you were described yesterday—you may or may not have been in the committee room at the time—by Ms Marland as one of a pair of two strong advocates, yourself and also Trinh Luu. She described you as strong advocates, and you yourself have described how you came into the centre, the Van Lang Centre, in 1992 and then by 1993 you had formed a tenants' association. Is that correct?

Ms Pretty: With the help of two other tenants, yes. I was part of a group.

Mr Winninger: And then it came to be that you were invited to join the board of directors as a representative of the tenants association?

Ms Pretty: Yes.

Mr Winninger: Subsequently, of course, you were no longer a vice-president of that association. You've described, in some detail, efforts that were made to remove you from the board, which you firmly and strongly resisted, and in fact were successful in remaining on the board. You've also described, over the course of your evidence, your strong efforts to gain redress for some of the dissatisfaction that you had with the administration of the centre. That's correct, isn't it?

Ms Pretty: Yes.

Mr Winninger: And you've alluded to your concern about administration, about maintenance and several other areas that you felt needed to be addressed. You, along with Ms Luu, I believe the evidence was, pressed for a compliance review. You're nodding your head. Does that mean yes?

Ms Pretty: Yes. Sorry.

The Chair: Hansard doesn't pick it up.

Ms Pretty: I keep thinking I'm on TV so everybody knows.

Mr Winninger: Well, you are. In fact, the compliance review, to your position, probably wasn't done as quickly as you would have liked. Is that correct?

Ms Pretty: It wasn't done as quickly as anybody liked.

Mr Winninger: But at the same time, there were changes to the board, I understand, and the—

Ms Pretty: That doesn't interfere with a compliance review.

Mr Winninger: But be that as it may, by February eighth the compliance review report was presented to the board, and again you expressed some dissatisfaction with the results of the compliance review.

Ms Pretty: Yes, I did.

Mr Winninger: But in the meantime—and there's sort of an element of Greek destiny to this—you had initiated efforts and action to have the minister intervene, and to have a meeting with the minister ultimately. I suppose it begins with your letter of October 29th that's been referred to several times, requesting the intervention of the minister. That's correct? You're nodding your head

again. And then not too long after that, I believe it was a week or so, Ms Luu wrote her own letter asking specifically for a meeting, and I think you're aware of that letter as well. By March fourth, after the compliance review had been presented to the board, you again write to the minister asking for a special and urgent meeting with her. Is that correct?

Ms Pretty: Yes.

Mr Winninger: So there's an ongoing effort on your part to gain access to the minister and have a meeting with her.

Ms Pretty: Yes.

Mr Winninger: She, on the other hand, while not replying directly to you by letter—you mention phone calls with her staff—had in fact written to Trinh Luu indicating that while the compliance review was under way she couldn't meet, but it was, I think, the understanding of both of you that once the compliance review was complete, then there could possibly be a meeting. Is that correct?

Ms Pretty: I wrote a personal letter to the minister; I expected a personal letter back from the minister.

Mr Winninger: And I know it was a bone of contention with you, if I can call it that, that you hadn't received a letter at that point, but you had repeated communications with the minister's staff, both at the constituency end and also at the Toronto end.

Ms Pretty: They were all at my insistence.

Mr Winninger: Right. But there were conversations with Ms Ridley, with Ms Lott, with Ms Bui, and by the time that Trinh Luu began her meetings with Mora Thompson of the Progressive Conservative caucus, there was a desire, I think—and it's certainly confirmed by some of the questions and statements that Ms Marland has put to you—to meet with the minister. Is that correct?

Ms Pretty: Mm-hmm.

Mr Winninger: And I wonder if you have this before you, exhibit 5, which was the transcript of telephone conversations—

Ms Pretty: Between—

Mr Winninger: —between yourself and Sue Lott on May 19th, 1994.

Ms Pretty: Yes, I have.

Mr Winninger: Your attention was directed on a few occasions during the examination of Ms Cronk to certain parts of that evidence, particularly those exchanges that dealt with the statements of reluctance.

Mrs Marland: Excuse me, Mr Chair. I'm sorry to do this. I just realized, Mr Winninger, what you said in reference to the role of my office. The role of my office was to get a meeting with the minister for Ms Luu, not for Ms Pretty.

Mr Winninger: Thanks for the clarification. If I could go on, there were several references to exchanges between yourself and Ms Lott in the course of that first telephone conversation, wherein Ms Lott indicated that there might be some reluctance on the part of the minister to meet with you, given the laying of the charges against the directors. Is that correct?

Ms Pretty: That's right.

1650

Mr Winner: If you turn to the middle of page 5—do you have that before you?

Ms Pretty: Yes, I do.

Mr Winner: Where Ms Lott says "that it would put Evelyn in a potentially difficult position," after which you say, "Hm. I think she's in a, kind of a pretty tight spot right now if she doesn't talk to us," did you mean by that that you expected a meeting with her anyway?

Ms Pretty: No. I think I was referring to the fact that I was going to press charges.

Mr Winner: Well, you called back again. Did you converse with anyone between the first and second telephone conversations that day, other than Ms Lott?

Ms Pretty: I have no idea.

Mr Winner: You may have? Because you called back. And if I could direct your attention to page 7, just about 10 lines down, where you say: "And that is when you, when you said that...um, you know, Evelyn can't intervene at this point because it's gone to court and everything else. The thing that I should have thought of at the time to tell you, is that, uh, what has gone to court is, is problems that the board has...has gone against the Corporations Act. But we want to meet you and discuss...problems with the compliance review, and...the access issues, the core issues that we've always been trying to, to meet with Evelyn and discuss, and...you know, that's your responsibility."

Ms Pretty: Yes.

Mr Winner: And you've affirmed this transcript to be true and accurate?

Ms Pretty: Yes.

Mr Winner: In fact, you said that you wanted to meet with Evelyn and discuss core issues, presumably unrelated to matters before the provincial court, and yet when you were asked by Ms Cronk what you anticipated to unfold at the meeting, you said you brought with you your file on the non-disclosure of documentation. Is that correct?

Ms Pretty: Yes.

Mr Winner: So evidently what you had told Sue Lott on May 19th was different from your anticipation and expectations for the meeting on June 17th. Would that be correct?

Ms Pretty: There's quite a lot of time that elapsed between that date, that conversation and—as you well know, after listening to the testimony of both Trinh and myself, a lot of things were happening and we were trying to decide what was the best thing to do, what was in the best interests of everyone. And so we were going with the flow.

Mr Winner: In the interim, of course, a meeting took place on June 10th with Trinh Luu and the minister.

Ms Pretty: That's right.

Mr Winner: Which you indicated during your evidence you would have liked to attend, since you had been requesting your own meeting with the minister for

a considerable period of time. You indicated that you had discussed that meeting with Trinh Luu after the event, and you were aware, I think, that the minister had undertaken to get back to Trinh Luu in—

Ms Pretty: A couple of weeks.

Mr Winner: In two weeks approximately.

Ms Pretty: Mm-hmm.

Mr Winner: You've said at various times during your evidence that you didn't think the meeting with the minister on June 17th was necessary, but it appears to me that your whole thrust throughout this period of, let's say, eight months was towards a meeting with the minister where, as you said, you could lay before her some of your evidence and allegations regarding the core issues.

Ms Pretty: That's correct.

Mr Winner: Now, I wanted to ask you whether in fact, at the time of the meeting on June 17th, when you stopped writing—and we have, of course, the first page of your notes from that day, which you indicated were prepared during the course of the discussions at the Rideau Centre.

Ms Pretty: Yes.

Mr Winner: At that point in time, I believe your evidence was that conflict of interest was not discussed in those terms, "conflict of interest." Is that correct?

Ms Pretty: At the June 17th meetings?

Mr Winner: Yes.

Ms Pretty: Conflict of interest, in quotes?

Mr Winner: Right.

Ms Pretty: Um, I don't believe so.

Mr Winner: Your evidence in answer to Ms Cronk's questions was along the lines that the minister was very conciliatory—

Ms Pretty: Yes.

Mr Winner: —and playing a mediating role, one designed to try and perhaps achieve some compromise between the parties on some of the issues that had caused the acrimony and antagonism that had come out. It appears that perhaps your expectations went a little further than that. Would you agree? Because you said afterwards you felt let down.

Ms Pretty: That's true, but I never expected that the direction that Evelyn would take would be to ask me to compromise on my court charges.

Mr Winner: And in fact your evidence was that she said that if there were to be an agreement between yourself and the board of directors, that's something you should take time to consider.

Ms Pretty: That's only after I said: "I am not going to make up my mind right now. I want to think about this."

Mr Winner: Mm-hmm. Immediately after that meeting, the evidence of Ms Luu was that you met over lunch. Is that correct?

Ms Pretty: Yes.

Mr Winner: And that you met for about a period of an hour and a half that day.

Ms Pretty: Approximately.

Mr Winninger: And that it was later that day that you—I believe Trinh Luu faxed a communication to the Conservative caucus. Is that correct?

Ms Pretty: Are you talking about my first press release?

Mr Winninger: Yes.

Ms Pretty: Yes.

Mr Winninger: Well, no, not your first press release, because your evidence was that somewhere over the course of the next three days—for example, Saturday you said you inserted the first paragraph of page 2 and then it was probably Monday when you completed it, but at the same time, you referred to a press release that you said may have been entered into your computer.

Ms Pretty: On the 23rd.

Mr Winninger: I know that other members will probably have questions, but I think that I need to ask you this question: After the meeting on June 17th but before June 22nd, you were in the process of preparing your press releases. Correct?

Ms Pretty: Yes.

Mr Winninger: And you were completing your notes of the meeting.

Ms Pretty: Mm-hmm.

Mr Winninger: You were having conversations with Mr Chiarelli of the Liberal caucus—is that correct?—Monday morning? Because he said he had spoken to you Monday morning.

Mr Chiarelli: My staff.

Mr Winninger: Staff, okay. You were watching the Legislature on TV, I believe you said, which would have been either Monday or Tuesday, and you were pulling together the contents of your press release and your notes. Is that correct?

Ms Pretty: Yes.

Mr Winninger: Was it at that point that the concept of conflict of interest arose?

Ms Pretty: I didn't know what—I didn't know anything about Bob Rae's policy, the conflict-of-interest, until I did watch the Legislature. I had no idea.

Mr Winninger: And was it around that time that you were inserting into your notes and your press releases the allegations regarding what you've now refuted, the dropping of charges, against the minister?

Ms Pretty: I wrote in my notes what I remembered in that meeting, not what I saw on television or what I talked to someone else about. This was just strictly from my own memory.

Mr Winninger: From your own memory?

Ms Pretty: Mm-hmm.

Mr Winninger: And I believe you said that you were in fact—well, would it be fair to say that you were reconstructing what had happened on June 17th?

Ms Pretty: Basically. It's, you know, how you remember and then you jot down, and then you'll be doing something, you remember something else, you jot

it down. That's how it—

Mr Winninger: But the—

Ms Pretty: Yes, I was reconstructing what happened in my mind, according to my memory.

1700

Mr Winninger: Yes, but your evidence in any event earlier this afternoon was that in the context of the atmosphere, the pressure that you were feeling from other directors on the board, perhaps you were more let down than intimidated at that meeting by the minister. Would that be fair to say? I believe you've said that to Ms Cronk during her examination.

Ms Pretty: I was let down; sure I was let down.

Mr McKinnon: With respect, stop the clock, but with respect, that's not my memory of the evidence. She was let down, but she also felt pressured and she also felt intimidated, given all the circumstances, given the minister's presence, given the minister's advisers' presence, given the board against her. That's what my memory—

Mr Winninger: Okay. At the time that you were reconstructing the events of June 17th, you were viewing the legislative channel, you were in fairly frequent communication with the Conservative caucus and I understand also staff of the Liberal caucus.

Mrs Marland: She wasn't in communication with my office.

Mr Callahan: How about an answer from her? Let her answer.

Mr Winninger: Yes.

Mrs Marland: Jeez.

Mr Winninger: Is that when the issue of conflict of interest under the Premier's guidelines arose?

Ms Pretty: If I may—

Mrs Marland: Gee whiz.

Ms Pretty: —I spent a fairly secluded weekend. I was depressed all day Saturday. I wrote some notes, very few notes. I didn't want to even think about the meeting.

Mr Winninger: I'm sorry—

Ms Pretty: Sunday afternoon I started to pull myself together—

Mrs Marland: Mr Chairman?

Ms Pretty: —and that's when I started to finish my notes.

Ms Cronk: Mrs Marland, I may be able to handle the concern for you, if it wouldn't be presumptuous of me to do so. The foundation to the question does not accord with the evidence given by the witness in one respect, and I don't think the clock should be running here. The evidence of this witness is that she was not personally in contact with the opposition offices. Indeed, you'll recall that she denied any awareness of a number of memoranda from Trinh Luu to Mora Thompson's offices, and the way your question was framed suggested that she herself had been in continual contact with the offices of the opposition. That's how I heard the question, and that, based on my recollection of the evidence, is not consistent with what this witness said, if that is what Ms

Marland's objection is directed to. It would be a concern of mine, regardless of what Ms Marland's hand is up for.

The Chair: You have 30 seconds left unless you want to save it till the next witness.

Ms Cronk: I'm sorry to have interrupted. I just don't think it was fair to—

Mr Winner: Yes. Just while the clock is off for a moment, the question was premised on statements made in the House by Mr Chiarelli the afternoon of the 21st of June. Be that as it may, despite the allegations—

Interjection.

The Chair: You've got three seconds there, Dave.

Mr Winner: Three seconds?

The Chair: Sorry, I'm going to cut you off and I have to go down to Mr Murphy.

Mrs Marland: Mr Chair, before you go to the Liberals, because this is a committee of the Legislative Assembly and because we are governed by those rules that govern us in the House, I wish to register, on a point of privilege, my objection to you referring to my office as being in contact with this witness, because at no time was my office in contact with this witness, nor she with my office, and I take very strong exception to the inference in your questions in relationship to my office, and I would appreciate you doing some homework and looking up what the evidence is that's already been registered and even look up in Hansard when I first asked my question on the subject of the Van Lang Centre, or my colleague, Mr Harnick.

The Chair: This is not a point of privilege but it will be in Hansard there, Ms Marland. Mr Winner.

Mr Winner: I meant no—

The Chair: You haven't got another question.

Mr Winner: I meant no injustice to yourself or your caucus, but the evidence was that on June 21st, when the second—

The Chair: No, no. Mr Winner.

Mr Winner: —just, with respect, when the second media release was prepared and faxed to your office—

The Chair: Mr Winner.

Mr Winner: Yes.

The Chair: Okay. We go on to Mr Murphy. You want six minutes and split it among the other colleagues here.

Mr Murphy: Thank you. I just wanted to ask you a few questions, if I could, about the June 17th meeting with board members and the minister and the other people that are there. You said in your evidence about looking out the window of the Rideau Centre on Parliament Hill and its representing justice and democracy for you, and the minister is in the room. I just wanted to ask you, first of all, if you had ever met, in that kind of meeting or in any context, a cabinet minister before.

Ms Pretty: No.

Mr Murphy: And with the Parliament Hill sitting out there, I mean, I would think that, if I can put a thought out on the record and have you either agree with it or not, but I would think that a suggestion from a cabinet

minister, a minister of the crown, would, no matter how carefully phrased, be taken quite seriously by you, I would think. Is that fair?

Ms Pretty: Yes.

Mr Murphy: I want to use that in the context of the discussion about dropping the charges. There was quite detailed interplay between you and counsel about who said "dropping the charges," and I think, to be fair, at the end you say that you couldn't recall Evelyn Gigantes using that exact phrase. But I'm wondering, in fact—in response to Mrs Marland, I think you said that it was My Nguyen said that phrase at some point in the meeting. Is that right?

Ms Pretty: Yes, he did.

Mr Murphy: And was that in the context of there being him asking—

Ms Pretty: Yes.

Mr Murphy: —that you drop the charges in trade for them not proceeding?

Ms Pretty: Those were his words.

Mr Murphy: And that's what he understood, from your impression, that the minister was asking?

Ms Pretty: That's right.

Mr Murphy: And did you say at some point during the meeting, "Are you asking me to drop the charges?" Did you use that phrase during the meeting, do you recall?

Ms Pretty: If I can just—there's something I want to read here, if I may.

Mr Murphy: Sure. Are you looking for your notes?

Ms Pretty: If I can—I just have to try and remember where these things are.

Ms Cronk: What are you looking for? Maybe I could help you.

Ms Pretty: I'm not sure. Okay. Now, just recap that question for me and I'll pick up.

Mr Murphy: What I was trying to get at is whether at some point, in response to what may have been a carefully phrased suggestion by the minister, you interpreted that to mean that you were to drop the charges and said that phrase yourself in the course of that meeting.

Ms Pretty: Yeah. My Nguyen said to her, and what I wrote down were his words as I remember them, so that corroborates what I'm saying—

Mr Murphy: Maybe I can just ask you to turn to your own notes of that meeting at tab 85. Do you have it there?

Ms Pretty: My notes of June 17th?

Mr Murphy: Yes.

Ms Pretty: Okay.

Mr Murphy: And the Saturday portion.

Ms Pretty: Mm-hmm.

Mr Murphy: You'll note there it says, "Me to Ev," just about a third of the way down the page.

Ms Pretty: Yes.

Mr Murphy: Then there are quotes, pretty big quotes: "This is not a very good deal for me. You offer that the

board postpone removing me...in exchange for me dropping charges."

Ms Pretty: Right.

Mr Murphy: Does that help you remember whether you said that phrase?

Ms Pretty: Yes.

Mr Murphy: And so did you use that phrase?

Ms Pretty: I did.

1710

Mr Murphy: So does this mean that you said that to Evelyn in response to what may have been a carefully phrased suggestion by her?

Ms Pretty: Yes, I did.

Mr Murphy: Did she ever say, "Oh, no, no, no, that's not what I mean at all" to you?

Ms Pretty: No, she did not.

Mr Murphy: Was it clear to you that in fact that's exactly what she meant, no matter how she phrased it?

Ms Pretty: Yes.

Mr Murphy: Thank you.

Mr Chiarelli: Ms Pretty, committee counsel, Ms Cronk, spent considerable time with you trying to get you to reconstruct what you recall occurred at the meeting on the 17th at which Ms Gigantes was present. In that process, you referred to notes that you had taken and written in the meeting and notes that you had written subsequently, over several days. You also referred to, or counsel brought your attention to, two press releases which you had written in which counsel tried to focus on the exact wording and the exact nature of the communications that took place in that meeting of June 17th.

I want to, in that context, refer you to the transcript of the phone conversation of June 19, which was in the same time frame of the reconstruction of the facts; the transcript of a conversation between you and the president of the board of directors, Vinh Tang. In particular, on page 2 of that transcript, the president, Vinh Tang, says, "And also, another understanding at the meeting is ah—is uh that we—you, actually, would give us the date—the available date for you, very soon, so that we can meet and talk about the two core issues. Number one, tenant participation."

You respond, "Yes."

President Tang says, "Number two is tenant admission."

You respond, "That's what I agreed to."

Then the president, Mr Tang, says, "Yeah, yeah."

Then you say, and this is the critical point I want to draw your attention to, "A meeting to discuss those issues...Yeah, yeah. I did not agree to—to dropping all court cases and everything else. As a matter of fact, I can remember distinctly saying I'm not—I'm not going to make any decisions right now. I want to think about it. And I—I know I said that. So, you know..."

Then Dr Tang interrupts and says, "Well I remember you said that sentence as well, but you also said 'yes' to the compromise, you said, 'Well, okay, yes.' You know you agreed to that."

What I want to ask you is this: This conversation occurred two days after the meeting of the 17th.

Ms Pretty: Right.

Mr Chiarelli: You are saying to Dr Tang that you did not agree, and you used the term "dropping all court cases and everything else." He responded, "Well I remember you said that sentence as well."

Ms Pretty: That's right.

Mr Chiarelli: Would that conversation make you recall or reinforce the fact that the terminology "dropping the court case" in fact took place at the meeting—

Ms Pretty: Yes.

Mr Chiarelli: —because this was corroborated in fact by what Dr Tang was saying?

Ms Pretty: Most probable.

Mr Chiarelli: The next thing that I want to draw your attention to is a memo that was referred very briefly to by Ms Marland. It's a memo from Brian Sutherland to Steve Shapiro dated Friday, June 17th, 3:33 pm, the date of the actual meeting; the subject: Van Lang Centre. I'm going to read it very quickly. It is exhibit number 1, volume 3, tab number 90. I'm going to quote from Brian Sutherland:

"As you might have imagined, the meeting between the board of the National Capital Vietnamese-Canadian Non Profit Housing Corporation (including Sharron Pretty) and the minister today was a lengthy ordeal. It went on for more than an hour. There is no doubt in my mind...the minister continues to be sympathetic to Trinh Luu and Sharron although I think her eyes were opened a bit as the meeting progressed."

The key part of that memo which Mr Sutherland wrote states, "In any event, I believe that the minister was able to convince Sharron and...other board members to work towards a resolution of the matter prior to the charges being considered by the court early next month."

Now, would that, in your opinion, tend to reinforce your recollection of the meeting that there was some connection between what the minister was asking you to do and the imminent court case which was coming at that time, "early next month"? Would you say that Brian Sutherland's memo to that extent reinforces your recollection of what happened in the meeting? After all, he attended the same meeting.

Ms Pretty: There seems to be quite a strong link.

Mr Chiarelli: Thank you.

Mr Sutherland: Mr Chairman, could I just ask a question on a point of order? I must admit I don't have a lot of legal background and—

Mr Murphy: You should stop there then.

Mr Sutherland: Well, maybe I should.

The Chair: Do you want to ask counsel a question?

Mr Sutherland: Yes, I guess I just want to ask counsel some advice in terms of applying this memo to reinforcing the witness's recollection of the events, whether that is appropriate.

Ms Cronk: It's not inappropriate to put facts or apparent facts from others to witnesses to ask their view.

The witness can always say, "That doesn't influence my thinking," "It's not what happened," "It is." So were you not hearing from Mr Sutherland there might be some basis for concern, but you can put the document to the witness.

Mr Sutherland: Okay, thank you.

The Chair: Mr Chiarelli, carry on.

Mr Chiarelli: The other point that I want to ask in bringing Ms Pretty's attention to this memo is that in terms of any specific issues that were discussed at the meeting, the regional manager of the Ministry of Housing, in his memo recapping what happened at that particular meeting, only refers specifically to the question of "the resolution of the matter prior to the charges being considered by the court early next month."

Was it also your impression of the meeting that the main focus was on resolution of the court case issue? When you left the meeting did you have that impression, that that was the main thrust of the meeting? We'll have the opportunity to ask Mr Sutherland later, but that appears to be the thrust or the focal point for Mr Sutherland's memo summarizing the meeting.

Ms Pretty: In answer to your question, it was—if I was to prioritize, that would be priority number one. Priority number two would be, in order to make priority one happen, then the board would have to postpone the meeting to get rid of me off the board.

Mr Chiarelli: Thank you. Mr Callahan?

Mr Sutherland: Point of order: Can I just seek some clarification from legal counsel as to the appropriateness of committee members, if they haven't been here for all the testimony of a witness, asking questions to a specific witness?

Mr Callahan: Who wasn't here?

Ms Cronk: It's my advice to the committee as a whole that because of the nature of this hearing, and my advice on this matter was sought, that it was important for all committee members to be present. It is extremely difficult to put fairly based questions if one has not been present for large portions of the evidence. I don't know who's been present and who hasn't, so I don't know the implication of the question.

Mr Chiarelli: I haven't missed any time.

The Chair: Okay, Mr Callahan, go ahead.

Mr Callahan: I find that an interesting comment from the member, who started out by saying he'd decided the case already when the commission counsel told him not to do that.

But in any event, I'd like to take you to the tab 85 and, at the second page of it, the work that was done, I guess, on the Monday or Tuesday. About halfway down in the boxed section you say: "Hieu Truong very aggressive...his attitude was abusive. Evelyn to me: I'm sure that if you went to the crown—drop charges."

Do you get the feeling that this meeting was sort of—you were sitting in a lions' den?

Ms Pretty: I felt that way.

Mr Callahan: Was everybody pressing for withdrawal of the charges, all of the directors and everybody

at the meeting?

Ms Pretty: Well, Evelyn basically did the talking and the others sort of watched me.

Mr Callahan: Well, did Evelyn ever come to your assistance when this fellow got abusive and aggressive?

Ms Pretty: No, she did not.

Mr Callahan: So in other words, they were allowed to be aggressive to you and abusive, and you were getting no assistance whatsoever from the minister.

Ms Pretty: It happened very quickly. I responded very quickly because I'm used to it.

Mr Callahan: Now, did it not—I notice that over at tab 93, in that second paragraph where we're talking about the meeting that took place between yourself, Michael Séguin, Pat Dare and Dave Rider, this was just shortly—

Ms Pretty: I'm sorry, where are we looking now?

Mr Callahan: We're looking at tab 93. This is the memo from Trinh Luu to Mora Thompson.

1720

Ms Pretty: All right.

Mr Callahan: You've told us that that was what was said. Now I notice the statement says, "We confronted him with a lot of uneasy questions." Who's "we"? Were the reporters asking questions of Mr—

Ms Pretty: All of us.

Mr Callahan: Okay. What else? Was there anything else said about that meeting other than that, anything else about the charges other than that statement there?

Ms Pretty: I remember that there were a lot of things that he said that were conflicting with my understanding of events, and it was noted by two reporters.

Mr Callahan: Okay, I go over to tab 92. Commission counsel took you through a number of articles that you—apparently interviews that you gave where there didn't appear to be any mention about dropping the charges, and yet I refer you to an article by Dave Rider which appeared in the Ottawa Sunday Sun on June 19, 1994. I refer you to the last two lines, the words, "Pretty said Gigantes' attempt at peacemaking included urging her to ask the crown to drop several charges laid against board members under the provincial Corporations Act for refusing to divulge information to a director." Was that said to them on that day?

Ms Pretty: Them?

Mr Callahan: Well, to Mr Rider.

Ms Pretty: Oh, yes. Of course, we talked about a lot of things.

Ms Cronk: Excuse me, Mr Callahan, what—

Ms Pretty: Are you talking about the Sunday meeting?

Mr Callahan: I'm sorry.

Interjection: What day did she speak to Mr Rider?

Mr Callahan: When did you speak to Mr Rider?

Ms Pretty: The Sunday meeting. I'm getting confused. What day? Who?

Mr Callahan: I'm asking you to look at tab 92. The

date of the paper is June 19.

Ms Pretty: Yes, I am looking at that, Dave Rider.

Mr Callahan: You've told us that you had a discussion on June 19th where Mr Rider and Mr Dare and Mr Séguin were there, and Mr Hieu Truong—

Ms Pretty: That was the Sunday. That's right.

Mr Callahan: Yeah, okay? So you've got the same date the paper comes out, the 19th. When did you give that interview to Mr Rider?

Ms Pretty: We met on the date—it was the Sunday that we were supposed to have the meeting.

Mr Callahan: And that's the same date that Mr Truong made the comment about you dropping the charges that's referred to at tab 93?

Ms Pretty: That's right, yeah, his impression of the June 17th meeting.

Mr Callahan: Finally, did you get the impression—here you've got a minister of the crown asking you to drop charges. Did it not go through your head—and maybe you want to wait before your counsel advises you one way or the other on this question—you've told us that it was in the hands of the crown. Did you not think it was inappropriate to accede to a request from a minister that you go to the crown and drop charges?

Ms Pretty: I thought it was a little strange, yeah.

Mr Callahan: Did you think there was anything wrong with it?

Ms Pretty: I wasn't sure, but I didn't think it was very ethical.

Mr Callahan: Okay. I think that's all the questions I have.

The Chair: Do you want to bank your time?

Mr Callahan: Yes.

Ms Cronk: For clarification for the record, I take the point that Mr Callahan was making in his questions concerning the Rider article, but lest there be any misunderstanding, my questions to the witness were directed to an interview given on June 17th to a Mr Pat Dare. So I wanted to clarify that on the record.

Secondly, two follow-up matters, Ms Pretty, that I'm obliged to put to you in light of the questioning that has just occurred: First, with respect to the discussions at the June 17th meeting and what Mr My Nguyen said to you, I'm obliged to indicate to you that I anticipate that the committee may hear evidence that Mr Nguyen did not pressure you or push you to say yes or no to the issue of either dropping your charges or whether the charges would proceed. Looking back on it now, do you have a clear recollection one way or the other as to whether he did so?

Ms Pretty: He asked the minister to get an answer from me.

Ms Cronk: Well, then perhaps I misunderstood. I thought the entry in your handwritten notes and in response to a question from Mr Murphy raised the inference that Mr Nguyen had pressured you himself for an answer yes or no to that.

Ms Pretty: No, he directed that statement to Evelyn

herself, and he said—I repeat this, because I know I said this earlier—he said to her that it had been asked whether or not I was willing to consider dropping the charges in exchange for them postponing the meeting to throw me off the board. And he said to her that “Sharron had not answered the question, yes or no,” and he wanted to have an answer.

Ms Cronk: Leaving aside what language he used with respect to the legal proceedings, do you have a clear recollection that he, through the minister, was pushing for an answer from you on that issue?

Ms Pretty: Absolutely.

Ms Cronk: Would your answer to that question change in any way if the committee were to hear evidence from Mr Nguyen that that did not occur?

Ms Pretty: No, it would not. I remember it very clearly.

Ms Cronk: Secondly, with respect to your discussion with Dr Tang on June 19th, could I ask you to go to page 3 of the transcript, please.

Ms Pretty: I have it.

Ms Cronk: Looking at the third paragraph and the comment attributed to Dr Tang: “I remember you said that sentence as well, but you also said ‘yes’ to the compromise, you said ‘well, okay, yes.’ You know you agreed to that.” Do you know what “that sentence,” the phrase “that sentence,” refers to, which of the ones preceding it?

Ms Pretty: I'm a little bit confused about how you've phrased that question.

Ms Cronk: Mr Chiarelli asked you a number of questions, about which I wish to ask you nothing. All right? But one of the things that I thought you said was that the phrase “that sentence,” used by Dr Tang, referred to a particular sentence by you in the preceding paragraph. Do you know what he meant when he said that? Looking at it now, do you have any recollection?

Ms Pretty: Let me read it for a minute. Yes, well, I said to Dr Vinh, a meeting—I was talking about a meeting to discuss those issues. I did not agree to dropping all court cases and everything else. As a matter of fact, I can remember distinctly saying, “I'm not going to make any decisions right now. I want to think about it,” and I know I said that.

Ms Cronk: Stopping there, what I'm suggesting to you is, there are several statements there by you. One relates to dropping court cases. One relates to, “I'm not going to make any decisions right now.” One relates to, “I want to think about it.”

Ms Pretty: That's right.

Ms Cronk: All I'm asking you is, do you know, looking at it now, what Dr Tang was referring to when he said, “I remember you said that sentence”?

Ms Pretty: He was agreeing with me. He was agreeing with—basically, in those few words I summarized the whole meeting with Evelyn, and he agreed with me.

Ms Cronk: You thought he was referring to all of what you'd said in that paragraph?

Ms Pretty: Yes.

Mr McKinnon: With respect, may I, Mr Chairman? I'm questioning the appropriateness of the question. It seems to me asking this witness what Dr Tang meant—you just look at the transcript. It seems perfectly clear that two matters are being discussed by this witness: (1) a compromise, and (2) not making decisions. The answer Tang says, "I remember you said that sentence," which can only refer to not making decisions, "but you also said 'yes' to the compromise." In other words, "that sentence" can only, on this transcript, refer to not making a decision.

Ms Cronk: Mr McKinnon, I don't want to get into an argument. I just don't want any dispute about it. I didn't invite this witness to comment on what the meaning was of Dr Tang's words, someone else did, and I just want it clear before she completes her evidence whether she has a clear understanding of that. I'm not, as I say, commenting in any way on any of the other questions asked of her. I don't want to get into a wrangle with you about what it means, but there hasn't been a transcript, in 20 years of practice at the bar, that had only one meaning. I've never seen that yet. This may be the case, but I've never seen that yet.

I won't pursue it any further on that issue, Mr Chair.

One final question. With respect to your handwritten notes—you've been asked a number of questions about them, Ms Pretty—were you trying to record in them, whether made on the Saturday morning or on the Sunday, Monday or Tuesday, in your handwritten notes, what you understood had happened at the meeting?

Ms Pretty: What I remembered.

Ms Cronk: Okay. And in doing that, did you try to put down what you remembered and what you came away from the meeting with, what you understood?

Ms Pretty: Yes, yes.

Ms Cronk: Thank you very much. Thank you, Mr Chair.

The Chair: Okay. Ms Pretty, I'd like to thank you for coming down, not just one day; you were here yesterday listening to testimony. I appreciate your trip down from Ottawa and I believe you're leaving at quarter to 9 tonight. Have a safe trip back home.

Ms Pretty: Thanks for the opportunity.

The Chair: And you should be just about home by the time we get finished, so you might be able to turn the set on and watch the end of it.

Ms Pretty: I'll tune in.

The Chair: So right now we're going to take a recess for half an hour and we're going to be back here sharp at 6. We have a Mr Brian Sutherland, the next witness to come forward. Thank you. Recessed.

The committee recessed from 1731 to 1814.

The Chair: I bring the committee to order. Mr Chiarelli, you have a point you'd like to bring before the committee.

Mr Chiarelli: I want to make a suggestion or get some sort of sense from the committee as to when we're going to have our next subcommittee meeting to look into

the question of scheduling of witnesses.

It's clear from the examination of the first two witnesses over today and yesterday that we have consumed—necessarily, in my opinion—longer time slots for the first two witnesses, and I think we're clearly going to have a problem squeezing everybody in.

I would like to get some indication from the committee as to when we will have our next subcommittee meeting, and I'd like to put on the record publicly that it's imperative that we come to grips with the question of time and how we're going to manage to get the remaining witnesses into the time that's allotted.

I think we also have to be mindful, when we allocate time and say, "Well, we'll sit in the evenings," it's important to keep in mind particularly that various counsels, and indeed committee members, if they're doing their homework, need some time, at least mid-evening, late evening, to get ready for the next day's session.

I'd like to put that on record and I'd like to get some sense from the committee members as to whether or not we can have a subcommittee meeting either this evening or first thing tomorrow morning, with the time available as the priority item on the agenda.

The Chair: Can we have one right after we adjourn tonight?

Mr Sutherland: Mr Chair, that's fine by me.

The Chair: At least five or 10 minutes, whatever's required.

BRIAN SUTHERLAND

The Chair: I'd like to carry on and welcome Mr Brian Sutherland to the committee as a witness. I have the clerk here to swear you in. Could I identify your legal counsel also? Would you, for the purposes of Hansard, identify yourself?

Mr Robert Stupart: Yes. I'm Bob Stupart, solicitor with the Ministry of Housing.

Clerk of the Committee: Mr Sutherland, would you please take the Bible in your right hand. Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr Brian Sutherland: I swear.

The Chair: The committee's legal counsel is Ms Cronk, and you have the floor.

Ms Cronk: Mr Sutherland, thank you for agreeing, at my request, to make yourself available this evening for the purposes of giving your evidence before the committee.

As I understand it, Mr Sutherland, you are the regional manager for the eastern regional office of the Ministry of Housing in Ottawa. Is that correct?

Mr Brian Sutherland: That is correct.

Ms Cronk: How long, sir, have you held that position?

Mr Brian Sutherland: That particular position? Close to 10 years now.

Ms Cronk: Do you have working with and for you an individual by the name of Steven Shapiro?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: What is his position?

Mr Brian Sutherland: He is a housing programs manager.

Ms Cronk: What does that mean?

Mr Brian Sutherland: That means that he assumes overall responsibility for the delivery of social housing and ongoing management of both public and social housing.

Ms Cronk: I'm sorry. Your voice was trailing just a bit at the end. Of both public and social—

Mr Brian Sutherland: Of both public and non-profit housing. We have a diverse responsibility.

Ms Cronk: To whom does Mr Shapiro report?

Mr Brian Sutherland: Mr Shapiro reports to me.

Ms Cronk: Is there also working in your office an individual by the name of Bill Clement?

Mr Brian Sutherland: Yes, there is.

Ms Cronk: What position does Mr Clement hold?

Mr Brian Sutherland: Mr Clement is a housing administrator and he reports directly to Mr Shapiro.

Ms Cronk: As I understand it, Mr Sutherland, your offices, generally speaking, are responsible for three program areas?

Mr Brian Sutherland: That's right. Well, essentially the office is divided up into three major components. We have a finance and administration section, a housing program section and a technical section. So there are in fact three managers that report to me and look after those separate disciplines.

Ms Cronk: For the program delivery component of your responsibilities, is Mr Shapiro that manager?

Mr Brian Sutherland: Yes, he is.

Ms Cronk: Is it within the program delivery section that Mr Clement works?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: Is it part of your responsibilities, Mr Sutherland, to oversee all three components, including program delivery?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: As you will appreciate, Mr Sutherland, the order of reference by which the investigation and hearing that this committee is conducting is taking place is specifically related to events involving the Minister of Housing in Ottawa on June 17th, 1994, at a meeting with the board of the Van Lang Centre. I take it you are acutely aware of that.

1820

Mr Brian Sutherland: I'm somewhat familiar with the situation, yes.

Ms Cronk: That being the case, it has been my advice to the committee that a detailed understanding of the history of the Van Lang Centre and of various allegations relating to it or its management and responses to those allegations are neither necessary nor relevant to

the work of the committee, but at the same time, that a general understanding of that history is necessary and relevant to assist in understanding the events leading up to the June 17, 1994, meeting. Do you understand what I'm saying?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: For that purpose, Mr Sutherland, what I would like to do is to review with you in a general way only at this stage some of the background events relating to the Van Lang Centre as they have any connection with Ministry of Housing personnel in Ottawa, including in particular your own involvement, and I propose to do that in a chronological fashion and then to come back and ask you some specific questions about some specific matters. Would that be acceptable to you?

Mr Brian Sutherland: Yes, it would be.

Ms Cronk: All right. If I could try to do that in a summary way, at least initially, it's my understanding, based on the evidence that the committee has heard, that the Van Lang Centre is part of the responsibility of your offices in the sense of Ministry of Housing involvement. Is that correct?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: Part of the documentation that's been provided to the committee is a document called Statement of Selected Background Facts. Have you had an opportunity to review that document in part or in whole?

Mr Brian Sutherland: Yes, I have.

Ms Cronk: Among the various binders in front of you, Mr Sutherland, is what's called exhibit 1, volume 1. Could I ask you to look at that, and if you look at tab 4, there should be a copy of the Statement of Selected Background Facts.

Mr Brian Sutherland: I'm sorry, exhibit 1, volume 2?

Ms Cronk: I think we'd better be clear about the paper here. There's exhibit 1 in three volumes, 1, 2 and 3, and then there's exhibit 2, and what you need is exhibit 1, volume 1.

Mr Callahan: You'll get the hang of it.

Ms Cronk: At tab 4.

Mr Brian Sutherland: I have it.

Ms Cronk: Thank you. Have you had an opportunity to review in particular paragraphs 1 through 6 of that document?

Mr Brian Sutherland: Yes, I have.

Ms Cronk: Can you confirm to the committee that the facts set out in those paragraphs are substantially correct?

Mr Brian Sutherland: They are substantially correct, yes.

Ms Cronk: I take from that then that it was in approximately June of 1992 that the Van Lang Centre first opened in Ottawa.

Mr Brian Sutherland: That is correct.

Ms Cronk: And that it is a non-profit housing project coming within the area of responsibility of your offices in Ottawa.

Mr Brian Sutherland: That is correct.

Ms Cronk: In terms of your own familiarity with that project and centre, the committee has heard evidence and has received documents that in the spring of 1993, in particular in April and May of 1993, there was correspondence entered into by the then project manager of the centre, Ms Trinh Luu, with Mr Bill Clement of your offices. Are you aware of that correspondence at that point in time, in May of 1993?

Mr Brian Sutherland: Yes, I am.

Ms Cronk: Would it be fair to suggest that at that point in time the project manager, Ms Trinh Luu, was drawing certain concerns which she had to the attention of Mr Clement?

Mr Brian Sutherland: That would be a correct assumption, yes.

Ms Cronk: May I just understand something about the day-to-day realities of the reporting relationship between Mr Clement and yourself. If there were matters that appeared to be either controversial or potentially troublesome arising in respect of a non-housing project in respect of which Mr Clement had any involvement, would you have the expectation that he would draw that to your attention on a day-to-day business basis?

Mr Brian Sutherland: Ordinarily, he would do that with Mr Shapiro, his immediate supervisor, but if it were something quite significant, I would either be made aware of it by Mr Shapiro or Mr Clement directly.

Ms Cronk: All right. If the matter at issue with respect to a particular non-profit housing facility or development was particularly sensitive or appeared to be relating to difficulties, would you expect that one or both of Messrs Shapiro and Clement would draw that to your attention?

Mr Brian Sutherland: Yes, I would.

Ms Cronk: When then, looking back on events as you now recall them, Mr Sutherland, did you first become aware that there were difficulties at the Van Lang Centre in the sense that allegations relating to alleged improper management practices or personnel issues were being raised?

Mr Brian Sutherland: Well, I believe it was first in a tangible way in May of 1993. However, our office had some dealings with the previous administrator as well, and I had not been aware of problems through her presence, but I know that our office had been providing some assistance to the project manager on a periodic basis. But in terms of the problems that prevailed at the centre, I would say that my first real knowledge of them came when I believe Bill and others received a submission from Ms Luu dated May 31st, or something of that sort, 1993.

Ms Cronk: When did you first personally meet Ms Luu?

Mr Brian Sutherland: I first met Ms Luu, I believe, in Osgoode on June 16 of last year.

Ms Cronk: Of 1993?

Mr Brian Sutherland: Yes.

Ms Cronk: What was going on at Osgoode at the

time?

Mr Brian Sutherland: Well, the Ontario Non-Profit Housing Association was having a workshop meeting and I had been asked to come down and speak to the group, which I did, and in the course of the evening and discussing a variety of items with a variety of people, I did have occasion to quickly talk to Trinh Luu.

Ms Cronk: At that time, did she raise any concerns with you with respect to the Van Lang Centre?

Mr Brian Sutherland: Well, she was actually talking to Mr Shapiro it seemed, my memory seems to be, and it was not a matter of having an extensive conversation with her, but I do believe that she was expressing some of these points of view about the centre. I just can't recall precisely what the order of conversation was, but it seemed to me that she was relaying some of the concerns to Mr Shapiro as well or at the time and there seemed to be some problem.

Ms Cronk: Did you speak to her briefly yourself?

Mr Brian Sutherland: I honestly can't recall having spoken to her at great length, but I do remember intervening in a discussion with her and Mr Shapiro and listening or overhearing some of the concerns she was making. That's about all I can remember about that conversation.

Ms Cronk: As I understand it, Mr Sutherland, you did during the month of June receive a letter report from Ms Luu in which she detailed numerous concerns that she held at the time with respect to the Van Lang Centre.

Mr Brian Sutherland: Yes. I believe that was received the following day. I know it was very shortly after that meeting that I received a package from Ms Luu.

Ms Cronk: Could I ask you to put in front of you two documents that I think we're going to have to make some reference to. The first is exhibit 2, which is a separate black binder, and the second is volume 2 of exhibit 1.

Mr Brian Sutherland: I have exhibit 2.

Ms Cronk: Could I ask you to go to tab 57. Sorry, that's the wrong tab. Just a minute. At tab 5 of this brief, Mr Sutherland, is a letter dated June 21, 1993, from Ms Trinh Luu to the president of the board of directors of the Van Lang Centre. It appears to have been copied to you among others, including Bill Clement. Did you receive a copy of this letter?

Mr Brian Sutherland: Yes, I believe I did.

Ms Cronk: And did you, over the course of that month then personally become aware of a number of concerns held by Ms Luu relating to the centre?

Mr Brian Sutherland: Yes, I did.

1830

Ms Cronk: If we turn to tab 8 of this book of documents, there's a letter at that tab of July second, 1993, addressed to Trinh Luu apparently from yourself. Did you send this letter in response to Ms Luu?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: In that letter, as I read it, you were acknowledging that the allegations which she had made were considered by you to be serious?

Mr Brian Sutherland: Yes, I considered them that way.

Ms Cronk: And in your concluding paragraph, were you inviting her to keep Bill Clement informed should other incidents occur that were of concern to her?

Mr Brian Sutherland: Yes, I was.

Ms Cronk: Was it your intention, at the time of writing this letter, that she in fact do that?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: Now, in the month of August 1993, the committee has heard that there was a changeover or a number of changes to the board of directors of the Van Lang Centre. Had you, prior to August of 1993, dealt with the board yourself?

Mr Brian Sutherland: No, I had not.

Ms Cronk: During the month of August the committee has heard that Ms Sharron Pretty came on the board of directors as a tenant representative on the board and that she was appointed or elected vice-president at the same time. Did you, in August of 1993, know Ms Pretty? Had you ever heard of her or met with her at that point?

Mr Brian Sutherland: No, I didn't know her.

Ms Cronk: Similarly, the committee has heard that a Dr Hieu Truong came on as a director on August fifth, 1993, and assumed the presidency of the Van Lang board. Did you, at that point in time, know Dr Truong?

Mr Brian Sutherland: No, I did not.

Ms Cronk: Did you know Dr Can Le, the secretary of the board?

Mr Brian Sutherland: I believe I'd met Mr Le on occasion before, but I certainly didn't know him well. I simply knew him to be associated with this project.

Ms Cronk: In the context of day-to-day dealings with the centre as might be required, who among Mr Shapiro, yourself and Mr Clement was really the point person for the ministry offices?

Mr Brian Sutherland: Well, the point person typically, with all non-profits and/or housing authorities that we have responsibility for, is the housing administrator. That's the first line of contact with the regional office.

Ms Cronk: And in this case that would be Mr Clement?

Mr Brian Sutherland: That was Mr Clement.

Ms Cronk: The committee has also heard that in the months of November and December of 1993 you were contacted by Ms Sharron Pretty and held meetings with her to discuss matters relating to the Van Lang Centre. Can you confirm that that's the case?

Mr Brian Sutherland: I can confirm a meeting on December ninth by my date book, but I have some difficulty with a formal meeting other than that one.

Ms Cronk: Do you recall meeting with her on December the ninth?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: And did she raise with you certain concerns that she had at that time regarding the Van Lang Centre?

Mr Brian Sutherland: Ms Pretty asked to see me and came along with a binder, a three-ring binder, and was, if my memory serves me correct, raising some concerns about the corporate operations of the Van Lang Centre.

Ms Cronk: When you say "corporate," what do you mean, Mr Sutherland?

Mr Brian Sutherland: Well, I think she was referring to the work of the board of directors more so than anything else, and whether that work was being done appropriately.

Ms Cronk: Was that a casual meeting, did she just drop in, or had it been arranged previously?

Mr Brian Sutherland: It seems to me that she'd called earlier and I'd set some time aside and received her when she came in on the ninth of December.

Ms Cronk: And did you meet with her alone or was Mr Bill Clement present as well?

Mr Brian Sutherland: I was hoping that Mr Clement would have been there that day, but he was not available and I did meet with her alone.

Ms Cronk: And did you receive any briefing from him before meeting with her about matters that might be an issue at that time concerning the Van Lang Centre?

Mr Brian Sutherland: I believe that we chatted briefly about it. It's not uncommon for me, when I get calls like that, to receive people in. I'd prefer, of course, that the person more directly involved with them would be there, but we'd chatted about her role and that conversation, I don't believe, let me believe that there was anything untoward to expect or anything different to expect. It was not a substantive conversation, I don't believe.

Ms Cronk: I'm sorry. Did I understand you to say that based on your discussion with her, it didn't lead you to think that there was anything untoward?

Mr Brian Sutherland: That may not be a correct way of describing that. It's just that I cannot recall discussing or receiving any particular information from Mr Clement before Ms Pretty arrived that would have been important to me. You know, she—

Ms Cronk: I see. So prior to the meeting you had no reason to think that there was anything untoward that was going to be raised with you—

Mr Brian Sutherland: That's right.

Ms Cronk: —in relation to the Van Lang. Is that what you're saying?

Mr Brian Sutherland: That's right.

Ms Cronk: All right. Now, the committee has heard evidence that at either a meeting on November the ninth with you or at a meeting on December the ninth between you and Ms Pretty, you indicated to her, after she had expressed a number of concerns, that an investigation would be initiated with respect to the Van Lang Centre relating to board organizational matters, board-management-of-funds issues and staff hiring or staff recruitment practices. Did that occur?

Mr Brian Sutherland: We may have had a discussion about those issues but, of course, at that time we were already into the compliance review that the regional

office had undertaken or started to undertake. I realized, of course, through keeping up with Bill Clement and Steve Shapiro, that we had already started doing some work at the Van Lang Centre.

So I was aware of that. The concerns that Ms Pretty was bringing to my attention were somewhat different from the scope of work that we'd been carrying out, but none the less I felt that I would discuss her concerns with my staff and, if necessary, we'd enhance the scope of the compliance review.

Ms Cronk: Perhaps I should back up, then. The committee has received evidence that in May of 1993, when concerns were drawn to the attention of Mr Bill Clement by Ms Luu, an offer of a compliance review by the Ministry of Housing was made. Is that correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: And that that compliance review was then subsequently initiated in the month of August 1993.

Mr Brian Sutherland: Yes, it was.

Ms Cronk: And that during the course of the fall, the compliance review was in progress; it wasn't in fact completed in all facets until the end of December 1993, as I understand it. Is that correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: But that it was in progress.

Mr Brian Sutherland: That's right.

Ms Cronk: Were you aware of that from the outset: that a compliance review was being undertaken?

Mr Brian Sutherland: Very shortly after Ms Luu had sent me or provided me with her submission, I had recognized that anyone who took the time to put together a package of that consequence must have had reason to do so. We had had discussions—Mr Shapiro, Mr Clement and myself—about this and had looked at the package that Mr Clement had received earlier. We had made a point that the best way to deal with this is, first of all, to go to the board because, after all, our contractual relationship is with the board. Then, of course, if necessary, we'll have to carry out a more comprehensive analysis. Of course, the best way to do that is through a compliance review.

Ms Cronk: And that was in fact undertaken, as you've indicated.

Mr Brian Sutherland: Yes, it was.

Ms Cronk: So that at the time that you met with Ms Pretty in, as you remember it, December 1993, was the compliance review still in progress at that stage?

Mr Brian Sutherland: Yes, it was. We hadn't completed it. It was simply a resource issue. I have to tell you that from early July until late August, I was involved in another project for the Ontario Housing Corp and, as a consequence, was not available in Ottawa all the time. I was doing significant travelling. From late August until early October, I was off on medical leave so, to a certain extent, I was out of the picture for a while.

Ms Cronk: When you met with Ms Pretty on December the ninth—forgive me; I may have asked you this—was that the first time that you were meeting, that you'd ever met her?

Mr Brian Sutherland: I believe we'd talked on the telephone. I can't verify just when, but that was the first time I'd met her, yes.

Ms Cronk: When you met with her, were you aware that she had written directly to Evelyn Gigantes, the Minister of Housing, to express her concerns relating to the Van Lang Centre?

Mr Brian Sutherland: No, I was not.

Ms Cronk: Were you informed of that during the course of your meeting with her?

Mr Brian Sutherland: I can't recall that being an area of discussion.

Ms Cronk: Were you aware, when you met with Ms Pretty in December of 1993, that Ms Trinh Luu had left the employ of the centre and was then embarked on other matters, specifically, she was a student at law school at the time?

Mr Brian Sutherland: Yes, I was.

1840

Ms Cronk: And when you had the meeting with Ms Pretty, were you aware that Ms Luu had also by that point in time written directly to the Minister of Housing to express concerns and also to request a meeting with her about the Van Lang Centre? Did you know that?

Mr Brian Sutherland: I may have been aware of that, but it wasn't an issue that I was thinking about when I met with Ms Pretty. If I had received a copy of that correspondence, I would have been aware of it.

Ms Cronk: Had you, by the time of your meeting with Miss Pretty, received any contact from any representative of the constituency office of the Minister of Housing in Ottawa relating to the Van Lang Centre?

Mr Brian Sutherland: Not to my knowledge, no.

Ms Cronk: Okay. So that as best as you recall events, you do not remember being aware of, and certainly didn't have foremost in your mind during your meeting with Miss Pretty, the fact that you were dealing with someone who had written to the minister and who was connected with a facility where a former project manager had asked for a meeting with the minister about concerns at the centre.

Mr Brian Sutherland: I don't believe I was aware of that.

Ms Cronk: All right. And where we were when I embarked on these questions was, I had indicated to you that the committee had received evidence that at your meeting with Miss Pretty at the beginning of December you had indicated to her that an investigation would be undertaken with respect to the Van Lang Centre to address specifically three issues: first, board management; secondly, board management of funds; and, thirdly, staff hiring practices. With the background that we've just reviewed in mind, is it the case that there was an indication at that meeting that such an investigation would be undertaken by the Ministry of Housing?

Mr Brian Sutherland: Well, again, I was aware that our staff had been involved in the compliance review to a certain extent already. We'd done the program part of the review. We'd done the finance part of the review.

And although I talked to Miss Pretty—I certainly accepted her concerns and it was my intention to talk to staff about them—I don't recall that I talked about a specific investigation divided up into three parts. I obviously did assure her that we'd look into her concerns.

Ms Cronk: Do you recall the issue of an investigation coming up at all?

Mr Brian Sutherland: Well, it seems to me, if my memory serves me, that we did talk about the compliance review already under way and I was, you know, certainly hoping that that would bring some of the issues that she was bringing to my attention out into the open. That was what I was concentrating on. Of course, the issues that she brought to my concern I had every intention of sharing with staff who had been there and getting their point of view on. I know that I would have assured her that we would look into those things; I'm just not sure about the term "investigation."

Ms Cronk: And then, as I understand it, later that month, that is, in the latter part of December, you received another communication from Miss Pretty, this time a letter requesting that you send a representative of your offices to attend a scheduled December 30, 1993, board meeting at the Van Lang Centre. Do you recall receiving that letter?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: And could I ask you, in exhibit 2, to look at tab, I believe it's 22. Do you have that?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: Is this the letter that you received from Sharron Pretty with respect to the December 30th board meeting?

Mr Brian Sutherland: That's correct.

Ms Cronk: Okay. When you met with her earlier in the month, Mr Sutherland, had she made you aware of the fact that there was an effort then under way to have her removed from the board of directors of Van Lang?

Mr Brian Sutherland: Yes, she had.

Ms Cronk: And did you have any concern about that when you learned of it?

Mr Brian Sutherland: Well, I accepted it on face value and, as I have indicated earlier, it seems to me that Miss Pretty showed me some documentation pertaining to the Corporations Act. We looked at a certain information she had, and she had expressed at that time a concern that there was some interest in removing her from the board, if that's the way I can express it.

Ms Cronk: How did you react to it, though? That's what I'm trying to get at. Were you concerned at that news?

Mr Brian Sutherland: I was concerned, because I felt that, you know, she'd only been appointed in August, and now there seemed to be an effort under way to remove her and it just seemed a bit unusual.

Ms Cronk: Did you know at that time that Ms Pretty was one of only two tenant representatives on that board?

Mr Brian Sutherland: Uh, I certainly knew that she was a tenant representative, and I believe she talked about the process that was used to nominate two tenants

to the board. It may well have been, yes, that—you know, we discussed that fact, that there were two tenants on the board.

Ms Cronk: Did you know as well that she was the only person on the board whose first tongue was not Vietnamese?

Mr Brian Sutherland: Well, I didn't think of it in that term, but—I don't know that I really knew that. I just knew that she had been a tenant and she was on the board. I really hadn't had that much contact with the board, so I didn't think in those terms.

Ms Cronk: Okay. I'm getting the impression, Mr Sutherland—please correct me if I'm wrong—that when you met with her at the beginning of December, you were generally informed about a number of matters relating to the Van Lang Centre but you didn't have any information available to you prior to that meeting to put you in any state of concern about what was going on in that facility.

Mr Brian Sutherland: No.

Ms Cronk: Is that right?

Mr Brian Sutherland: No, I did not. That's right.

Ms Cronk: And after the meeting that you had with her, would it be fair of me to suggest that considerably more detail was provided to you about certain concerns that she had?

Mr Brian Sutherland: Yes, that's correct.

Ms Cronk: And when you received her letter of December 21st, did you reach any decision as to whether a representative of your offices should attend the December 30th board meeting?

Mr Brian Sutherland: I didn't reach a decision then. I had a difficult situation to deal with. On the one hand, I was receiving concerns that were somewhat new to me. On the other hand, I knew that our staff had been in there, into the non-profit corporation, and had been looking at a number of the operations and had reasonably assured me that things were not quite as bad as I thought, or as we might have thought, and I was just a bit perplexed about this. I mean, I understood Ms Pretty's concerns and I felt that there was some concern about her comments about her board status. I really didn't know what to do, and I simply kept the memo and took the matter under advisement.

Now, I did decide—I guess the way I'd like to express this is that I've never attended a board meeting without sort of an official invitation before, and I realized that Ms Pretty was vice-president and for that reason she had asked someone to come along. I felt a bit uneasy about going, but sort of on a spur of the moment, I felt, because of her concerns that she had raised to me, I suppose it was just the day of or the day before I decided that I would probably go along to the meeting myself.

Ms Cronk: And did you?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: And at that meeting, did you address the board?

Mr Brian Sutherland: Yes. Again, I felt quite awkward going in, because, again, it's not my custom to attend board meetings without all the formal invitation

and to a certain extent I felt I might have been intruding. But none the less I did go in and I asked the board whether I could speak to them as a group for a few minutes and they granted me that pleasure and I took the occasion to speak generally about some things that I felt to be important.

Ms Cronk: Was your attendance at the board meeting, then, unannounced in the sense that you hadn't had any contact about attending with any of the other directors except Ms Pretty?

Mr Brian Sutherland: That's correct.

Ms Cronk: Moving forward into the early months of 1994, it's my understanding that towards the beginning of January 1994, the board of directors of the Van Lang Centre sent a letter to Evelyn Gigantes, the Minister of Housing, inviting, or requesting, a meeting with her to discuss matters relating to the centre. Were you aware of that request having gone from the board to the minister?

Mr Brian Sutherland: Yes, I was. It was a January 3 letter.

1850

Ms Cronk: Could I ask you to look at tab 16 of volume 2—sorry, of exhibit 2. That's the wrong tab. Sorry. I think it might be volume 2. Just a second. It is. I beg your pardon. It's exhibit 1, volume 2. Is that the—I'm sorry, at tab 16.

Mr Brian Sutherland: Tab 16. Yes, that's the letter.

Ms Cronk: It appears to have been copied to you by the board?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: This followed very shortly on your attendance at the December 30th board meeting?

Mr Brian Sutherland: Yes, it did.

Ms Cronk: Was there any discussion at that December 30th board meeting that you now recall about the board requesting a meeting with the minister?

Mr Brian Sutherland: Not that I can recall. I thought we had a productive meeting on the 30th, and I didn't recall a specific reference being made to a request for a meeting with the minister.

Ms Cronk: Did you, when you left the meeting of December 30th, the board meeting, have any reason to think that there were matters of sufficient concern that the minister should become involved, in your view?

Mr Brian Sutherland: I didn't think it was necessary at that time because we had had a very frank discussion about issues that I felt Ms Pretty had brought to my attention, in a general sense. We talked about access, because that had been a concern of hers, and tenant participation. We had a general discussion about those things. I did it in such a way that I tried to present the vision of the ministry as it was now, and I used the occasion to enhance the full board's understanding, I felt, of these objectives.

Ms Cronk: Did this come out of the blue, then, the letter requesting a meeting with the minister? Did it take you by surprise?

Mr Brian Sutherland: Well, I can't really comment on how it took me. I felt it was a bit unusual, because I

thought we had made some good progress at the December 30th meeting.

Ms Cronk: Did your offices in Ottawa prepare any advice for the minister's offices in Toronto as to whether that kind of a meeting should be set up with the board?

Mr Brian Sutherland: Well, yes, we did. We prepared a form that is used to advise the minister as to whether we would recommend the minister meeting with a group or not. I believe that form suggested that, in view of my meeting on the 30th and the goodwill that had been expressed by the board in terms of our objectives, it really wouldn't be all that useful for the minister to meet with the group at this time. We felt we had the situation under reasonably good control.

Ms Cronk: May I just understand what the process or the protocol is in so far as your offices are concerned when an invitation of that kind or a request of that kind comes forward? If it's a matter relating to a housing project for which your offices have some responsibility, in the normal course of events, if the minister is asked to meet with a group of that kind, would your offices be consulted or the advice of your offices be sought, as a normal matter, with respect to whether that kind of a meeting should occur?

Mr Brian Sutherland: As a normal matter, if it referred to a housing project or something that we were working with on a day-to-day basis or on a regular basis, it's customary for us to receive the questionnaire form requesting us to provide our input as to whether the minister should meet with the group or individual or not, what the issues are and any other relevant information that might be available.

Ms Cronk: Should I take from that, then, that in this particular situation there was nothing unusual about your offices providing advice on the advisability of such a meeting or the necessity of such a meeting?

Mr Brian Sutherland: No, there wasn't. No, that process is quite common.

Ms Cronk: Could I ask you to look at tab 17 of the same volume. Is this the advice form you were referring to?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: It's dated January the sixth, 1994, Mr Sutherland, and it says that the ministry contact is yourself and that the ILS contact is a Mr Bob Arsenault. What does "ILS contact" stand for?

Mr Brian Sutherland: That's the information liaison service. It's an organization within the ministry that receives information like this, sends it out, receives it back and arranges for its distribution.

Ms Cronk: Again, at the bottom left-hand part of the form it says, "Report prepared by Bill Clement."

Mr Brian Sutherland: Yes.

Ms Cronk: In the normal course of events, if Mr Clement or any other member of your staff prepared an advice form of this kind, would you be aware of it?

Mr Brian Sutherland: Yes.

Ms Cronk: And would your signoff either theoretically or literally be required before a response could go to

the minister's office?

Mr Brian Sutherland: Yes, it would.

Ms Cronk: And are these kinds of documents intended to be sent to the minister's offices in Toronto?

Mr Brian Sutherland: Well, they make their way there through the ILS process, yes.

Ms Cronk: Let me rephrase the question. Do they go through the constituency offices? I think the committee members probably all know this, but I don't, so I thought I'd ask the question.

Mrs Marland: No, we don't.

Ms Cronk: Does it go through the constituency office, or does it go directly to the relevant minister's office?

Mr Brian Sutherland: Well, it goes down to, in this case, 777 Bay, and as I said, the ILS, the information liaison service, arranges for the appropriate distribution.

Ms Cronk: All right. Now, in this particular case, as you suggested, the advice was that a meeting should not occur? Your offices advised against such a meeting?

Mr Brian Sutherland: We advised against it, yes, we did.

Ms Cronk: And the reasons for that recommendation are set out in paragraph 1(b) of this advice form. Is that right?

Mr Brian Sutherland: That's correct.

Ms Cronk: Did you agree with that advice?

Mr Brian Sutherland: At that time I did, because I was of two minds prior to the meeting on December 30th, but I felt after my attendance at the meeting on December 30th that I had made the points that I felt important to make to the board and I'd received pretty good assurance back that the issues that we felt to be important, they felt to be important as well.

Ms Cronk: It's my understanding, Mr Sutherland, that it was March 25th, 1994, approximately three months later, that a response was sent from the minister's office to the board of directors of the Van Lang Centre in reply to their request for a meeting and that the reply essentially indicated that the minister could not commit at that time to meeting with them in the near future. Can you confirm that that's correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: And could I ask you in the same volume to look, if you would, please, at tab 29. This letter I understand to be the reply letter that ultimately went to the board of directors of the Van Lang Centre and it bears—I'm sorry, one of the people who received a blind copy of it was Mr Bill Clement of your offices.

Mr Brian Sutherland: That's correct.

Ms Cronk: Were your offices involved in the preparation of the reply to the Van Lang board of directors, or do you know?

Mr Brian Sutherland: In this case, I'm not certain. Usually we are. I'm just not certain in this case.

Ms Cronk: Do you personally know, Mr Sutherland, why a reply did not go to the board of directors until the end of March 1994?

Mr Brian Sutherland: No, I do not.

Ms Cronk: There was no reason of which you were aware for a delay in that regard—or for that length of time. I shouldn't characterize it as a delay.

Mr Brian Sutherland: No. When requests come in of this nature, we try to turn them around within a reasonable period of time.

Ms Cronk: The advice form from your offices was dated, as I indicated, January the sixth. There's another date entry and it indicates that it was required by the minister's office and ILS by January 13, 1994. When it refers to the minister's office in that regard, would that mean the minister's constituency office or the minister's offices in Toronto?

Mr Brian Sutherland: I believe that would refer to the minister's office in Toronto.

Ms Cronk: And then moving forward—well, perhaps still dealing with January 1994. As I understand it, the compliance review undertaken by the Ministry of Housing with respect to the Van Lang Centre was in fact complete by that month.

Mr Brian Sutherland: Yes, it was.

Ms Cronk: But it was not presented or discussed with the board of directors of the Van Lang Centre until the board's February 8, 1994, meeting.

Mr Brian Sutherland: That's correct.

Ms Cronk: And why is that, if it was ready in January?

Mr Brian Sutherland: Well, first of all, going back to December 30th, when I—I'll come back to the question, but going back to December 30th, I realized that we were in the process of completing the compliance report and that it had been outstanding for some time. I had indicated to the board at that time that we would be presenting the compliance review as quickly as possible and that in addition to that, with their acceptance, I would be arranging for a member of my staff to attend their board meetings for a time to help them get through this difficult period.

Ms Cronk: Did you make that offer at the December 30th meeting?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: Did you see it as an offer, or were you informing them, gracious or otherwise, that that was going to happen?

Mr Brian Sutherland: I think I was informing them and inviting them at the same time. I just felt that some of the difficulties they were having might have been helped by having someone there who understood board process, understood the kinds of things that board members should be receiving on a regular basis, and I felt really that perhaps our presence might have been helpful in that regard.

1900

Ms Cronk: And how was that received by the board?

Mr Brian Sutherland: That was received very well by the president.

Ms Cronk: And then coming forward to February of

1994, my question to you was, if the compliance review was complete in January—indeed, I understand it was actually complete in December—was there any particular reason why it wasn't presented to the board until the beginning of February? There may not be. I just—

Mr Brian Sutherland: I'm not certain of the reason for that. Obviously, the board knew we were nearing completion of the report and we would present it as soon as possible. I just can't recall why that was not done in January.

Ms Cronk: It's my understanding that you actually, by letter of February the eighth under your signature, provided a copy of the compliance report to the board. Do you recall doing so?

Mr Brian Sutherland: That's correct, yes.

Ms Cronk: Could I ask you to look, Mr Sutherland, please, again, at exhibit 2, this time tab 32. Do you have that?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: And was this letter sent by you to Dr Tang, the then president of the Van Lang Centre, enclosing a copy of the compliance report?

Mr Brian Sutherland: That letter was signed by me the day the report was submitted to the board, and Mr Shapiro and Mr Clement were going to attend the board meeting that evening.

Ms Cronk: And did they attend the board meeting that night and discuss the results of the compliance report with the board?

Mr Brian Sutherland: Yes, they did.

Ms Cronk: It's also my understanding, that around the same time—that is, in January and early February 1994—there was a reorganization of the board of directors of the Van Lang Centre.

Mr Brian Sutherland: That's correct. Actually, now that you mention that, that was the reason, I believe, that we could not present in February, that the board was doing some restructuring and had rescheduled or scheduled a meeting to receive the report in February. It seems to me there was some activity of their own that they were dealing with in January.

Ms Cronk: And as a result of that reorganization, did Dr Hieu Truong become president of the Van Lang Centre?

Mr Brian Sutherland: I believe Dr Vinh Tang.

Ms Cronk: I'm sorry. Dr Vinh Tang?

Mr Brian Sutherland: Yes, became president.

Ms Cronk: And did Dr Hieu Truong replace Dr Can D. Le as secretary?

Mr Brian Sutherland: Yes, he did.

Ms Cronk: Thank you. Could I ask you to look again at the—I'm sorry to be jumping around here, Mr Sutherland. If at any point in this you think there is some other fact or matter which should be drawn to the attention of the committee about these issues, would you let me know? Otherwise I'm just going to move through some of this.

Mr Brian Sutherland: Okay, sure.

Ms Cronk: Could you go back to exhibit number 1, volume 1, and look at tab 4 again, the "Statement of Selected Background Facts." You need exhibit 1, volume 1. And could I ask you this time to look at paragraphs 31 and 32 relating to the compliance review, if you could just take a minute and read them. Can you confirm for me whether the facts in those paragraphs are substantially correct?

Mr Brian Sutherland: Uh, yes, they are.

Ms Cronk: And could I ask you to look as well at paragraph 9. Paragraph 9 concerns the composition of the board of directors of the Van Lang Centre in January of 1994. Can you confirm for me that the individuals listed in that paragraph assumed a position as directors and, where indicated, officers of that corporation in January of 1994?

Mr Brian Sutherland: Yes, they were.

Ms Cronk: And is it then the case, Mr Sutherland, in so far as you are aware, that Sharron Pretty remained a director following the reorganization in January but was no longer vice-president?

Mr Brian Sutherland: Yes, that is correct. If I can go back to December 30 again, we did have some discussion about membership on the board. As this had been a concern expressed by Ms Pretty in her meeting to me, that discussion was pursued on December 30 and we did get into some discussion about the process that was used to appoint tenants to the board and, I believe, Ms Pretty's unhappiness that the process had not been, in her opinion, followed correctly or appropriately. There was some discussion given over to that. It seems to me that at the end of the meeting we had some conversation about, is it possible or practical that Ms Pretty can continue on the board? There seemed to be a general agreement—that was one of the issues that we discussed—that that could be arranged, that was possible.

Ms Cronk: Were you encouraging of that at the December 30th meeting?

Mr Brian Sutherland: Yes, I was.

Ms Cronk: Am I correct that in January the board actually informed you of the intended reorganization and of the fact that Dr Can D. Le was stepping down as secretary of the board?

Mr Brian Sutherland: Yes.

Ms Cronk: Could I ask you to look at tab 30 of exhibit 2. Can you confirm for me that you received a copy of that letter, which is dated January 28th, informing you of that reorganization?

Mr Brian Sutherland: Tab 30?

Ms Cronk: It's exhibit 2, tab 30.

Mr Brian Sutherland: Yes, I've seen this letter.

Ms Cronk: Then, moving forward in time, Mr Sutherland, the committee has heard that on the first of March, 1994, you received what has been described—and the document is before the committee—as a very lengthy letter from Sharron Pretty setting out in considerable detail the concerns that she had as they had evolved and as they then were for her concerning the Van Lang Centre. Do you remember receiving that letter?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: Could I ask you in that regard to turn to tab 33 of exhibit 2. Is this the letter that you received from Ms Pretty at that time?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: Do you remember personally reading it, Mr Sutherland, or did you pass it on to other members of your staff to brief you on it?

Mr Brian Sutherland: I read it and also passed it on to staff for their points of view.

Ms Cronk: Did you make note at that time that it had been copied to the Minister of Housing, Evelyn Gigantes?

Mr Brian Sutherland: I don't know that I made note of it, but obviously I recognized that it had been copied.

Ms Cronk: Is that something that you now remember having noticed when you read it?

Mr Brian Sutherland: It's quite common for letters to be copied to the minister, so I can't say that it sort of jumped out at me, but—

Ms Cronk: Well, did it have any significance for you?

Mr Brian Sutherland: Well, there was more than the minister, I believe, copied.

Ms Cronk: Yes, there was a Mr Marc Collins and a Mr Newton Vanriel.

Mr Brian Sutherland: Yes, it would have—

Ms Cronk: Caught your attention?

Mr Brian Sutherland: It would have, yes.

Ms Cronk: Wouldn't it normally, if a letter addressed to you was copied to the minister?

Mr Brian Sutherland: Yes.

Ms Cronk: The reason I want to ask you about that, Mr Sutherland, is because at this point in time, the beginning of March, based on what you've said to the committee, you knew that the board of Van Lang had requested a meeting, that your offices had advised against it, for the reasons you've outlined, and now you've got another letter coming in from Sharron Pretty, whom you just personally dealt with at the December 30th board meeting, only this time she's sending a copy to the minister. Am I right so far?

Mr Brian Sutherland: That's correct.

Ms Cronk: Would you agree with me, again without getting into any of the detail of them, that many of the concerns raised by her in this letter, if accurate, and I say if accurate, were of a very serious nature?

Mr Brian Sutherland: Yes, they were.

Ms Cronk: Many of them involved allegations concerning improprieties by individuals connected both with the board in its management practices and in its staffing, and indeed allegations of illegality, rightly or wrongly, accurately or inaccurately, were raised in this letter, were they not?

Mr Brian Sutherland: Yes, they were.

Ms Cronk: That's not your everyday letter?

Mr Brian Sutherland: No, it isn't.

Ms Cronk: And when you received it, did any red

flags go up? What did you do about it?

1910

Mr Brian Sutherland: When I received it, I spoke to Mr Shapiro and/or Mr Clement and of course I was being reassured that they were satisfied that the work that they had done in terms of the compliance review and their presentation of it had addressed these issues. To a certain extent these were issues that were beyond the purview of the Ministry of Housing, some of these issues were, and that really there wasn't a lot we could do beyond what we had done.

Ms Cronk: Was that the information and advice you were getting from your staff at that point?

Mr Brian Sutherland: Yes, I was.

Ms Cronk: And based on your own review of the matters dealt with in the letter, was that your view, that they were all corporate matters about which little could be done?

Mr Brian Sutherland: Well, I was starting to get that view. I certainly had concerns in the first instance, but my staff have been in the field for a long time, they know how organizations should run, and they were reassuring me that their assessment of the non-profit—albeit there were problems, there were deficiencies that had to be dealt with—but their assessment of the non-profit was that these things were being dealt with and that there was a willingness on the part of the non-profit to deal with them, and they felt reasonably satisfied that we were making progress, particularly Mr Clement, because he had been asked to attend the next two or three meetings of the non-profit board and had agreed to do so. We just felt that we were making progress on this issue and for that reason some of the problems were somewhat overstated.

Ms Cronk: Overstated?

Mr Brian Sutherland: Yes.

Ms Cronk: Would you agree with me that some of the problems outlined in this letter were not confined to personnel matters? They weren't just staffing issues, were they?

Mr Brian Sutherland: That's correct, yes.

Ms Cronk: In this letter at page 19, Mr Sutherland, there is an indication by Ms Pretty that, in her language, if she found out her "time had been wasted again"—I'm quoting now. Sorry. Page 19, the second-last paragraph on the bottom of the page. She indicates that it was her "last attempt to request the ministry's response to" her "concerns, intervention and positive actions," and if she found out that her "time had been wasted again," essentially, and "no action" was "taken, then the public at large should really learn about what happened." I read that, Mr Sutherland, as an indication that she would take her concerns public if she didn't receive an adequate response from the ministry. Is that a fair interpretation?

Mr Brian Sutherland: That's a fair interpretation, yes.

Ms Cronk: And is that the kind of thing that raises a red flag with you when you see it from someone connected with a facility for which your offices are respon-

sible?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: And did it, upon your receipt of this letter, raise that kind of a red flag?

Mr Brian Sutherland: Well, it certainly raised concerns with me, because I felt that we had done just about everything that we could do, and the reports that I was receiving from my staff, who I have a lot of confidence in, were to the effect that a lot of these issues were very difficult and were beyond the scope of our mandate. Their view was that we'd been working with the board, the board in turn had been cooperative, the board as a whole, and there was just very little that we could do beyond what we had done.

Ms Cronk: Did you have any understanding as to whether your staff had also been working with Ms Pretty, as distinct from the board as a whole, to respond to her concerns, or do you now recall that?

Mr Brian Sutherland: Could you repeat that, please? I'm sorry.

Ms Cronk: Yes. What you said to the committee, as I understood it, was that your staff, in whom you had a great deal of confidence, had been working with the board as a whole—

Mr Brian Sutherland: Yes, they had.

Ms Cronk: —and that they were making progress.

Mr Brian Sutherland: Yes.

Ms Cronk: My question to you is, were they similarly working with Sharron Pretty? Do you know what, if anything, they were doing in respect of her as distinct from the board as a whole?

Mr Brian Sutherland: Well, my sense was that my staff wanted to work with the board as a whole, not with one member of the board, and they felt that they had been making progress in that regard and that Ms Pretty's concerns were not really the interest or the issue with the whole board.

Ms Cronk: And then, as I understand it, Ms Pretty in fact wrote to you again in the same month—

Mr Brian Sutherland: Yes, she did.

Ms Cronk: —by a letter dated March 20th? Do you recall receiving that as well?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: Could you look at, please, tab 36; tab 36 in the same volume. Did you receive this letter from Ms Pretty?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: And in it, as I understand it, she was requesting you personally to attend an upcoming board meeting on March 29th?

Mr Brian Sutherland: That's correct.

Ms Cronk: She also made some allegations about the ministry's responsiveness to her concerns. Would that be a fair way to put it? I'm looking at the second- to the third-last paragraph of the letter.

Mr Brian Sutherland: Yes. Okay.

Ms Cronk: Less than favourable.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: Did you respond to this letter from Ms Pretty?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: Could I ask you to look at tab 39?

Mr Callahan: Could we inquire whether he's aware of it being copied?

Ms Cronk: I didn't hear, Mr Callahan; I'm sorry?

Mr Callahan: It's copied as well to Evelyn, Marc Collins and Newton Vanriel.

Ms Cronk: Did you make note at the time—that may be quite an unfair question. I mean, we all get letters with copies. I don't know the—I'm just asking you, did you make note at the time as to the fact that this letter appears to have been copied to the minister as well?

Mr Brian Sutherland: Yes.

Ms Cronk: And again to Marc Collins and Newton Vanriel?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: I should've asked you with respect to the March first letter, and now with respect to this one, did you at the time know who Marc Collins was?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: And who did you understand him to be, in the sense of what position he held?

Mr Brian Sutherland: Mr Collins is one of the minister's assistants who works out of her office in Toronto.

Ms Cronk: In Toronto?

Mr Brian Sutherland: Yes.

Ms Cronk: And do you know what area he works, or on what kinds of matters he provides assistance?

Mr Brian Sutherland: On policy matters.

Ms Cronk: And did you know at the time who Newton Vanriel was?

Mr Brian Sutherland: No, I didn't.

Ms Cronk: Do you now?

Mr Brian Sutherland: Yes.

Ms Cronk: What do you understand to have been his position at the time?

Mr Brian Sutherland: The question again, please?

Ms Cronk: What do you now understand his position to have been?

Mr Brian Sutherland: I understand this person is associated with the minister's office, I believe.

Ms Cronk: Had you in March of this year met Mr Collins personally?

Mr Brian Sutherland: Oh, yes.

Ms Cronk: Had you dealt with him from time to time?

Mr Brian Sutherland: Yes. On other matters, of course.

Ms Cronk: Just to follow up on the clarification that Mr Callahan was seeking, do we have then a situation in March where you've received a second letter copied to the minister, copied to whatever policy advisers, from

Sharron Pretty about her concerns with respect to the Van Lang Centre?

Mr Brian Sutherland: Yes.

Ms Cronk: And your response letter, I was about to ask you, is at tab 39. Is that correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: And in that letter, do you indicate that Mr Bill Clement would attend the March 29th board meeting, as you were unable, due to your own previously scheduled commitments, to do so personally?

Mr Brian Sutherland: Yes, I did.

Mr Callahan: I don't want to interrupt, but I notice down at the bottom it's got "FAX."

Ms Cronk: Which document are you looking at?

Mr Callahan: This is under tab 36. It's got "FAX," and it says, "To: Newton. From: Sue Lott." Can you inquire of the witness as to how it wound up at the constituency office in Ottawa, because that's where I understand Sue Lott is operating out of, and how it got there and whether that was how—I'd just like to know what that is on there.

Ms Cronk: Mr Sutherland, there are a number of copies of the March 20th letter found at tab 36. The second one in bears a fax stamp that Mr Callahan's referring to.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: Do you have any knowledge about whether a copy of this March 20th letter was provided to the minister's constituency offices, and if so, what they did with it?

Mr Brian Sutherland: To my knowledge, it was not provided by our office. If it was, it came via another route.

Ms Cronk: Mr Callahan, may I suggest that we reserve that line of inquiry and that I pursue it with the appropriate witness in the person of Sue Lott, who will be testifying tomorrow? Would that be acceptable?

Mr Callahan: That's fine.

Ms Cronk: Thank you. With respect to your reply letter then, Mr Sutherland, on March 25th at tab 39, could I direct your attention to the last two paragraphs in that letter, please, page 2. In those paragraphs, are you commenting upon some of the concerns that had been raised by Ms Pretty in her two letters in March?

Mr Brian Sutherland: Yes.

Ms Cronk: As I read it, and please correct me if I'm misinterpreting this, you appear to be indicating that there were two issues that she had been raising, namely, access and resident involvement, that were related to emerging principles of the Ministry of Housing?

Mr Brian Sutherland: That's right.

1920

Ms Cronk: But that there were also a number of complaints that your offices, that is, the Ministry of Housing, considered to be internal, relating to personnel matters or corporate—that is, the content of corporate documents including minutes, access to documents etc—that were, according to the language in your letter,

"beyond the bounds of ministry control"?

Mr Brian Sutherland: We felt that these items were within the purview of the corporation to deal with and they, more appropriately than us, should be dealing with them, yes.

Ms Cronk: And then in the next paragraph, Mr Sutherland, you indicate that, "Of major concern, and disappointment, to us"—I take that to be to the Ministry of Housing?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: —was what you described as "the considerable antagonism and acrimony that exists at the board level. Personalities and other interests should be set aside." And you go on to express the view that those difficulties, on a continuing basis, were bogging down the conduct of business by the board, right?

Mr Brian Sutherland: Yes, that was our view, because I relate back to the meeting that I had with the board in December and I talked about providing a staff member to attend each meeting so that the board could receive information that was important to it and it just—and of course, when the compliance review was presented to the board in February, my staff felt that they received an assurance of cooperation from the board. They did feel that there were certain things happening when they presented the report that would make it difficult for the board to work together. Ms Pretty and the other members of the board had some differences of opinion at that meeting about the report.

Ms Cronk: You'd been at one board meeting yourself, the December 30th board meeting.

Mr Brian Sutherland: Yes, I had.

Ms Cronk: Did you observe yourself at that meeting signs of, to use your language, "acrimony and antagonism" between Ms Pretty on the one hand and other board members on the other?

Mr Brian Sutherland: Well, I felt it was a difficult situation to arrive at a board meeting and have someone have a tape recorder there, which put everybody ill at ease.

Ms Cronk: Who had a tape recorder?

Mr Brian Sutherland: Ms Pretty. And also, during the course of the meeting, of course, on various matters that we would discuss there was quite a lot of tension, a difference of opinion between Ms Pretty and the other members of the board, and my sense is that this same sort of situation prevailed on the February eighth meeting as well. My staff came back and were somewhat concerned that there were things happening at the board level that we just couldn't deal with, and they weren't causing the board to work harmoniously as a group as they should.

Ms Cronk: In fact, had your offices formed the view that they were having quite the opposite effect, that they were interfering with the constructive working of the board?

Mr Brian Sutherland: Yes.

Ms Cronk: In terms of your knowledge of what the climate or the atmosphere of that February eighth board meeting was all about, I take it that's based on reports

given to you by your staff—

Mr Brian Sutherland: Yes.

Ms Cronk: —who attended? Could I ask you to look at volume 1—I'm sorry, exhibit 1, volume 2, tab 23. Do you have that, Mr Sutherland?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: All right. There are a number of documents before—

Mr Sutherland: Could you repeat which tab that was? I'm sorry.

Ms Cronk: Yes. That is tab 23, volume—

Mr Sutherland: Twenty-three, okay. Volume 3 or volume 2?

Ms Cronk: Volume 2.

Mr Sutherland: Volume 2.

Ms Cronk: Tab 23, exhibit 1.

Mr Sutherland: Okay.

Ms Cronk: There are a number of documents before the committee, Mr Sutherland, that are entitled Background Note.

Mr Brian Sutherland: Yes.

Ms Cronk: The purpose of those documents is what?

Mr Brian Sutherland: The purpose of those documents is to update or provide background information to senior officials in the ministry, including the Minister of Housing.

Ms Cronk: In the context of background notes prepared relating to housing matters, would I be correct in assuming that, when prepared, they would be sent to the minister's offices in Toronto for review by her and her staff?

Mr Brian Sutherland: Yes, they would.

Ms Cronk: And if they were prepared by your offices, would you see them before they went out to the minister's offices in Toronto?

Mr Brian Sutherland: Yes, I would.

Ms Cronk: Regardless of the project, if it was a background note?

Mr Brian Sutherland: If I was in the office I'd see them. Occasionally, they go out without me being there because I'm not there all the time.

Ms Cronk: And again, to put it to you in this way, do you have to sort of sign off on them, either figuratively or literally?

Mr Brian Sutherland: Well, if it's something of a significant amount of contention, I certainly like to see the note and see whether it reflects what I think the issues are and their possible resolution, yes.

Ms Cronk: Could I ask you to look at page 2 of this background note. The note itself is dated February the 14th, 1994, and the staff contact person is Bill Clement.

Mr Brian Sutherland: That's right.

Ms Cronk: Should we take from that that it was prepared by Bill Clement?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: Could I draw your attention to the three

paragraphs which appear in the middle of the page under the title "Board Antagonism."

Mr Brian Sutherland: Yes.

Ms Cronk: It is suggested in the first paragraph, this is obviously with respect to the Van Lang Centre, that, "There is considerable antagonism at the board level between the lone non-Vietnamese tenant member and the others." Just stopping there for the moment, I take it the lone non-Vietnamese tenant member was Sharron Pretty?

Mr Brian Sutherland: That's correct.

Ms Cronk: In the second paragraph, "Most of the complaints are considered to be internal (personnel) or corporate and beyond the bounds of project operating agreement with the ministry." And then continuing on, "Although of concern, little else can be done other than coach the directors on how to deal with the issues." I take it that was the view of your staff at the time with respect to most of the complaints being expressed by Sharron Pretty?

Mr Brian Sutherland: Yes, it was, and we felt strongly that the best way to get the board through this is to coach them. And again, that's why I made that offer in December, and given their acceptance of the review and its findings and their willingness to have our presence at their meeting, I felt that that was the best way that we could make progress with the group.

Ms Cronk: That offer being the offer to have representatives of your office attend board meetings?

Mr Brian Sutherland: That's correct.

Ms Cronk: In the next paragraph, it's suggested that, "After the report was tabled"—I take that to be the compliance report?

Mr Brian Sutherland: That's right.

Ms Cronk: —"at the February 8 meeting, other business was conducted." And then it reads as follows: "The meeting deteriorated rapidly, with much antagonism between the lone non-Vietnamese tenant member and the others over her taping of the meeting and her concerns with the content of prior meeting minutes, comments on the inexperience of the administrator (who was in attendance), and access to corporation documents." Did this background note form part of the source of your information of the acrimony and antagonism at the board that has been referred to in your letter to Ms Pretty?

Mr Brian Sutherland: Yes.

Ms Cronk: Given what you'd observed at the December 30th meeting, what was reported in the background note in February and the contents of your letter to Ms Pretty towards the end of March, would it be fair of me to suggest that that was a persistent situation with respect to this board for a period of several months in 1994?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: And did that continue in so far as you were aware through the months of April and May 1994?

Mr Brian Sutherland: Yes. From the reports that I received from Mr Clement, who attended the March and May meeting—I don't believe there was a meeting in April—Ms Pretty was either not there or attended for a very short period, so it seemed as though this difficulty

within the board was continuing.

Ms Cronk: Did you during either the months of April or May 1994—let's take it up to the end of May 1994, Mr Sutherland—receive any further communications from Ms Pretty or from any other member of the board concerning problems at the Van Lang Centre?

Mr Brian Sutherland: No, I did not, not to my memory. I had committed Mr Clement to the file. I mean, given the number of non-profits we deal with, I just couldn't be involved on a regular basis. Mr Clement had responsibility for that organization.

Ms Cronk: Could I ask you to look at volume 3 of exhibit 1, tab 108. Do you have that, Mr Sutherland?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: This is a background note, which if we look at page 3, is dated May the 30th, 1994?

Mr Brian Sutherland: That's correct.

Ms Cronk: So we're skipping ahead two and a half months from the date of the last background note of February 14th that we just looked at?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: This one also appears to have been prepared by Bill Clement of your offices.

Mr Brian Sutherland: Yes, it was.

Ms Cronk: Again, would I be correct in assuming that you would have seen and, again to use my euphemism, signed off on this background note?

Mr Brian Sutherland: Yes.

Ms Cronk: Maybe it's not a euphemism. Do you actually have to sign off on these before they're sent to the minister?

Mr Brian Sutherland: No, I don't have to sign off, but I usually do see them, so there's an invisible sign-off, I suppose.

Ms Cronk: If you had any comments or suggested changes to a background note of this kind, in the normal course of events, is that the kind of thing that would be sought of you before it was sent to the minister's offices?

Mr Brian Sutherland: Yes. Mm-hmm.

Ms Cronk: And I assume, given your role in the office, it's likely they'd be made if you had any comments or suggestions before it went off.

Mr Brian Sutherland: Yes.

Ms Cronk: Dealing with the contents of this background note, am I interpreting it correctly when I suggest that it reports on the March 29th board meeting attended by Mr Clement and concerns raised by Ms Pretty at that meeting?

Mr Brian Sutherland: Yes.

Ms Cronk: And it also records that Mr Clement attended a special board meeting on May the third, and again it deals with certain matters that were dealt with at the board level at that meeting?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: And in particular, it suggested that at that meeting, which Ms Pretty could not attend—I'm referring now, at page 2, to the third-last bullet from the bottom of

the page.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: It suggested that at that meeting—we're talking now about May the third—first that, "Ms Pretty could not attend," having had a prior commitment, but that she had corresponded with the board about the meeting. Am I reading that correctly?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: And it suggested that, "The other directors expressed concern that the board was no longer operating cohesively or effectively because their meetings have become bogged down with conflict, criticism and accusation."

Stopping there for the moment, would it be fair of us to conclude therefore that the antagonism and the acrimony which you had noted in your letter to Ms Pretty of March 25th, and which you indicated really had been observed in the sense of tension and difficulty and functioning from at least December 30th, was persisting as at the end of May?

Mr Brian Sutherland: That would be a fair assessment of things, I believe, and Mr Clement had been at a number of those meetings and I feel his reflections are accurate and reflect what happened.

Ms Cronk: And according to the background note, it appears that the other members of the board disagreed with accusations which Ms Pretty had made of what's described as "lies and dishonesty" on the part of Dr Can Le, and that they had "moved to absolve themselves of any legal or financial responsibility" for her actions as a board member. Is that correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: And would you agree with me that taking an action of that kind—that is, the other board members seeking to absolve themselves in that fashion—might be taken as an attempt of them to distance themselves in a very real way from the accusations that she was making?

Mr Brian Sutherland: I believe that was quite clearly stated on their part, yes.

Ms Cronk: When you got this background note at the end of May, Mr Sutherland, and read it, what did you make of it? Were you concerned by the continuing reports that are coming through these periods that this situation was not only not improving, but appears to be perhaps getting worse? Would that be a fair suggestion?

Mr Brian Sutherland: Well, I was concerned because I felt that we had made a good effort to recognize Ms Pretty's issues, the board's issues—we'd talked about overall objectives, we'd done our compliance review, we'd tried to focus on the areas that she had felt to be important—and yet things were continuing to bog down. So frankly, at that point in time, I accepted my staff's view of the situation and felt, again, that even though we'd continue to participate and work with the board, it was very difficult to do given the current state of affairs between one of the board members and the remainder.

Ms Cronk: Did your offices know at that time, Mr Sutherland, that Ms Pretty and Ms Trinh Luu, by letter of

March the fourth, 1994, had again—when I say “again,” it was the first time that they wrote under joint signature, but that they had written to the minister requesting what they described as a special and urgent meeting with the minister? Did your offices know that?

Mr Brian Sutherland: We didn't know about that particular letter. I don't believe we were copied on that letter.

Ms Cronk: Were you or were your offices aware, however, that throughout the month of April and the month of May, there was consideration at various points in time being given by the minister's offices in Toronto to the holding of a meeting with Ms Trinh Luu and/or Ms Sharron Pretty? Were you aware of that?

Mr Brian Sutherland: We had received a request, I believe, in March involving a meeting between the minister and the board. I believe we filled out one of the information liaison service reports in March and provided an opinion as to whether we felt a meeting was appropriate or not.

Ms Cronk: When you say that that was with respect to a meeting with the board, is that your understanding, or was it with respect to a proposed meeting with Ms Pretty and/or Ms Luu?

Mr Brian Sutherland: We had no knowledge of that meeting.

Ms Cronk: Sorry?

Mr Brian Sutherland: I say I don't believe we had any knowledge of a meeting between the minister and Sharron Pretty and/or Trinh Luu.

Ms Cronk: Could I ask you to look at tab 30 of—I believe it's volume 2 of exhibit 1.

Mr Brian Sutherland: Exhibit 1, volume 2?

Ms Cronk: I'm sorry; let me just find it for you first. I'm not sure I've given you the right—yes, I have: tab 30 of volume 2 of exhibit 1. Do you have that?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: If we could just identify this first, Mr Sutherland. As I understand it, this is the kind of invitation response advice form that we looked at a few moments ago back in January, the one dated January.

Mr Brian Sutherland: Yes, it was.

Ms Cronk: This one is dated March 18th, 1994, and the ministry contact is described to be yourself.

Mr Brian Sutherland: Yes.

Ms Cronk: And the ILS, or information liaison contact, again Mr Arseneault.

Mr Brian Sutherland: Yes.

Ms Cronk: And this one, looking at the date at the bottom of the page, appears—

Mr Callahan: Excuse me; is this tab 30?

Ms Cronk: Yes, it is.

The Chair: Exhibit 1.

Mr Callahan: My tab 30 has got March either 29th or 28th on it.

Mr Brian Sutherland: On the top.

Ms Cronk: I'm sorry; on the left-hand corner at the

top, you're quite right. Did I say March 18th?

Mr Callahan: You said 18th.

Ms Cronk: There's two dates. I read the wrong date. Thank you for clarifying that, Mr Callahan. If we look at the top left-hand side, it appears to have the date March 29th, 1994.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: Then there's a date of March 18th. Can you help me as to how to relate those two?

Mr Brian Sutherland: Well, we would have submitted the report on March 28th. So the March 29th date would be the right date. The request H1627 would have probably come from ILS on the 18th and we would have responded on the 28th.

Ms Cronk: So do I take it then that you, by a request of March 18th, would have been asked for advice on the matter?

Mr Brian Sutherland: That's correct.

Ms Cronk: And by a report submitted on March 28th and ultimately dated March 29th, a response was forthcoming from your offices?

Mr Brian Sutherland: That's correct.

Mr Murphy: Could I suggest the possible explanation? The letter attached to it has a stamp from the deputy's office of March 17th. I would suggest that logic would say that then gets forwarded somehow on the 18th and then gets fed through. That is a quasi-educated guess.

Ms Cronk: Could we just pursue that, Mr Sutherland? If you look further into the tab, you'll see the letter that Mr Murphy's referring to. It's a letter addressed to Evelyn Gigantes, March 4, 1994.

Mr Brian Sutherland: Yes.

Ms Cronk: It has a date stamp on it of March 17th from the deputy minister's offices.

Mr Brian Sutherland: That's correct.

Ms Cronk: I suggested to you earlier that a letter of request had gone from Ms Trinh Luu and Ms Sharron Pretty seeking a meeting with the minister on what they described as a “special and urgent” basis, and you indicated to me that you weren't certain that your offices had received a copy of it. Do you recall that?

Mr Brian Sutherland: That's correct.

Ms Cronk: Looking at the document itself, it doesn't appear that you were directly copied on it. By that, I mean your offices.

Mr Brian Sutherland: That's correct.

Ms Cronk: But did you, bearing that date in mind, a receipt date of March the 17th, and then the information and advice form of March 29th—should we take from that that your offices did become aware of it and that your advice was sought as to whether a meeting with Ms Luu and Ms Pretty should occur?

Mr Brian Sutherland: Yes, I believe we would have received—when we received this notice we may have received the letter itself, because it references on the ILS report H1627. I'm just not certain about that, but it's quite possible that we received the letter with the request.

Ms Cronk: What I'm coming to then about that, Mr

Sutherland, is that back in January, as you've confirmed to the committee, there was a letter dated January the third, 1994, from the board to the minister requesting a meeting.

Mr Brian Sutherland: That's right.

Ms Cronk: Your offices prepared an advice form advising against such a meeting with the board by an advice form dated January sixth?

Mr Brian Sutherland: That's correct.

Ms Cronk: A response ultimately goes from the minister's offices in Toronto under date of March 25th to that request for a meeting, and in that reply it's indicated that the minister was not in a position to commit to a meeting in the near future. Do you recall that? We looked at that.

Mr Brian Sutherland: That's correct, yes.

Ms Cronk: This seems to be a different streamed request, and that is a request coming from Trinh Luu and Sharron Pretty by letter of March the fourth. Again, the advice of your offices is sought and is provided by the information and advice form that we're looking at dated March 29th. Have I got it right so far?

Mr Brian Sutherland: That's correct.

Ms Cronk: Again, in this instance as well, the advice is against such a meeting?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: And the reasons for that recommendation are set out in paragraph 2?

Mr Brian Sutherland: Yes, they are.

Ms Cronk: And the reasoning set out appears to be that—it doesn't appear to be—as stated, is that there were: "unresolved conflicts for over a year between Can Le and Sharron Pretty...and the former manager, Trinh Luu. Ministry staff have attempted to mediate this situation during this period. There are many complex issues involved."

Now, stopping there for a moment, did you personally have any part in the preparation of this advice form or in formulating the advice set out in it?

Mr Brian Sutherland: No, I didn't.

Ms Cronk: The report appears to have been prepared by Steve Shapiro.

Mr Brian Sutherland: It was probably prepared by Bill Clement and approved by Steve Shapiro.

Ms Cronk: And, as I read the reasons for the recommendation, Mr Sutherland, and I'm not asserting this to you, I'm inquiring of you, all right?

Mr Brian Sutherland: All right.

Ms Cronk: It seemed to me, on reading it, that what was being said was: "Look, we've been trying to mediate this situation. It's a long pre-existing conflict and it's a complex situation, so don't meet."

Mr Brian Sutherland: That was our advice. We felt we'd been doing our best and had some difficulty understanding or appreciating what more could be done through a meeting with the minister. That was our best advice, recognizing of course that we often make recommendations and of course they can be accepted or not.

Ms Cronk: Right. Was it your perception, though, as the individual responsible for your offices in Ottawa, that your staff had been engaged in a mediation function with respect to the Van Lang board?

Mr Brian Sutherland: Yes, yes, it was.

Mr Callahan: Could we inquire—with the second report there seems to be, "Meeting originally scheduled for May rescheduled to June 17th," something like, "Home no reply"—whether he can identify that and how it got there?

Ms Cronk: I was going to come to that, Mr Callahan, but there's no problem in having it answered now. Do you know the meaning of it? Do you know what page we're even looking at, Mr Sutherland?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: Do you know the meaning of that entry? It looks to me to be a photocopy of a Post-It. Can you help me with that?

Mr Brian Sutherland: It appears to bear some resemblance to Bill Clement's printing or writing—

Ms Cronk: Handwriting?

Mr Brian Sutherland: —but I can't be certain of that.

Ms Cronk: Okay. And where we were when I took you to these documents was an inquiry from me as to whether your offices had been made aware, in the months of April or May 1994, of consideration in the minister's offices in Toronto to actually arranging a meeting with Ms Trinh Luu or Ms Pretty.

Mr Brian Sutherland: Not to my knowledge, no.

Ms Cronk: All right. Mr Chair, I can inform you and the other members of the committee that I will be some time yet, but I'm about, shortly, to move into the events of June, and with your permission I would prefer to do that without a break, and if you were intending to take one, that we take it now.

The Chair: Okay, fine. Recess for 10 minutes.

The committee recessed from 1945 to 2008.

The Chair: Okay, we'll resume our hearing. Ms Cronk, you can carry on.

Ms Cronk: Thank you. Mr Sutherland, I had been asking you before the break whether during the months of April or May, to your knowledge, your office had had any information available to it concerning a potential meeting with Ms Luu and/or Ms Pretty, and you had indicated that in so far as you were aware you did not have such information. Do I understand that correctly?

Mr Brian Sutherland: That's right.

Ms Cronk: All right. Moving forward in time then, Mr Sutherland, it's my understanding that on June the first, 1994, an article under James Wallace's byline appeared concerning the Minister of Housing, Evelyn Gigantes. Are you familiar with the article of which I'm speaking?

Mr Brian Sutherland: Generally, yes.

Ms Cronk: All right. Could I ask you to look at volume number 2, exhibit 1, tab 53. This article appeared in the Sun by James Wallace, entitled "Gigantes Ignores

Scandal: Director.”

Mr Brian Sutherland: Yes.

Ms Cronk: Did you see this article on or about the time of its publication?

Mr Brian Sutherland: Yes.

Ms Cronk: Similarly, over at the next tab—if you can’t hear me, would you let me know?

Mr Brian Sutherland: Yes, I will.

Mr Callahan: Is the Premier trying to start his car or what?

Interjections.

The Chair: Okay, carry on.

Ms Cronk: At tab 54, there is a second article by James Wallace. This one appeared in the Ottawa Sun, also on June the first, 1994. Did you see this article as well?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: Reference is made in both of these articles to information provided by Sharron Pretty. It is indicated that Ms Pretty had “filed a complaint with the crown attorney’s office to get employment and other records from the non-profit housing corporation that runs the complex,” meaning the Van Lang Centre, “because the government wouldn’t act on her complaint, she added.” Do you see where I’m reading, from the first article?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: Prior to reading these articles in the press, Mr Sutherland, or having them brought to your attention, did you have any knowledge concerning charges initiated by Ms Pretty against one or more directors of the Van Lang Centre?

Mr Brian Sutherland: Not to my knowledge, no.

Ms Cronk: In so far as you are aware, did any representative of your office, that is, Mr Clement or Mr Shapiro, have any information concerning such charges before these articles appeared in the press?

Mr Brian Sutherland: I don’t believe so, otherwise I would have heard something about it, but I didn’t.

Ms Cronk: Did either you or, to your knowledge, any member of your staff have any contact with Mr Wallace concerning these matters prior to publication of these articles?

Mr Brian Sutherland: Well, I’m quoted in one of the articles, I believe.

Ms Cronk: In one of these two?

Mr Brian Sutherland: Yes.

Ms Cronk: Sorry, can you help me where that is?

Mr Brian Sutherland: Tab 54, the penultimate paragraph, the second-last paragraph.

Ms Cronk: When were you contacted by Mr Wallace?

Mr Brian Sutherland: I recall a telephone call around the time of the article asking questions as to what we had been doing or what our involvement had been with the project.

Ms Cronk: And did Mr Wallace indicate to you

during that discussion any information regarding charges initiated by Sharron Pretty or then outstanding with respect to directors of the Van Lang Centre? Do you know if he told you about it?

Mr Brian Sutherland: I can’t remember that clearly whether he was that specific. He certainly wanted to know what we had done or were doing.

Ms Cronk: Did either you or, to your knowledge, any member of your staff, apart from that call that you received from Mr Wallace, provide any information to Mr Wallace about these matters before the articles appeared in the press?

Mr Brian Sutherland: No, we did not.

Ms Cronk: As a result of the articles appearing, did your offices make inquiries as to the status of the charges?

Mr Brian Sutherland: If there were inquiries made, they would have been made by Mr Clement to the Van Lang people.

Ms Cronk: Mr Sutherland, I’m just going to interrupt for a moment. Mr Chairman, it’s almost bordering on cruel and unusual punishment here. I wonder if we can find out—

Interjections.

The Chair: We sent Tannis down to try to stop it.

Mr Callahan: It’s the underground tunnels being built.

Interjections.

The Chair: I think we should just sit for five minutes, take another recess. It’s not fair to the witness and the committee cannot hear the answers, so we’ll recess for five. We’ll just stick here until—

Mr Chiarelli: I think if they just keep their mouths close to the mikes, we’ll be okay. If you can concentrate all right—

Mr Owens: It’s distracting.

The Chair: It’s hard for the witness to answer. Let’s just recess for five until Tannis comes back.

The committee recessed from 2014 to 2016.

The Chair: We’ll wait for people to regain their—

Ms Cronk: Mr Sutherland, I was asking you, just before the interruption for a higher or lesser authority, whether around the time that the articles by Mr Wallace appeared—that light should go on, Mr Sutherland, when you begin to speak. Around the time that the Wallace articles appeared, you’ve indicated to the committee that you received a call from Mr Wallace.

Mr Brian Sutherland: Yes.

Ms Cronk: Did you or any member of your staff, after seeing the articles, make inquiries as to the nature and status of the legal charges referred to in the article?

Mr Brian Sutherland: Again, if we had made those inquiries, we would have made them through Bill Clement to the Van Lang Centre, but I’m not certain about just when that may have happened.

Ms Cronk: Could I ask you to look, if you would please, at tab 55, the same volume of documents. This appears to be a memorandum from Bill Clement to Lisa

Heaton and Mr Stupart regarding—it has been expurgated, and I should inform you and for the benefit of the committee members, that a deletion was made to it by counsel to the committee because the second paragraph concerned the status of a matter unrelated to the matters before you, so we took that paragraph out. That deletion was ours.

With reference to the last paragraph, that appears to be a report as to the status of a scheduled court hearing date on June the second, based on a discussion with the secretary-treasurer of the Van Lang Centre.

Mr Brian Sutherland: Am I looking at the right page?

Ms Cronk: No, I think you have to flip a page. The last full paragraph appears to be—first, it's a memo from Bill Clement to Lisa Heaton and to Robert Stupart, and it appears to be reporting upon a discussion held with the secretary-treasurer of the Van Lang Centre concerning a scheduled court appearance date of June the second. Am I right so far?

Mr Brian Sutherland: Yes, you are.

Ms Cronk: All right. It would appear then that, through Mr Clement, some information was coming into your offices around the beginning of June following the Wallace articles about the status of these charges?

Mr Brian Sutherland: That's correct.

Ms Cronk: And that the source of the information was the secretary-treasurer of the Van Lang Centre. That would be Dr Truong at the time?

Mr Brian Sutherland: That's right.

Ms Cronk: If you could flip back, if you would please, to tab 49, the very last page of that tab, Mr Sutherland, this is described as an MPP media contact sheet. It's dated May 30th and it appears to have been completed by Bill Clement.

Mr Brian Sutherland: Yes, it was.

Ms Cronk: And it suggests in the first paragraph that contact was made with Dr Truong of the Van Lang Centre, who apparently indicated—I'm sorry, let me rephrase that. Am I reading this correctly if I suggest that it appears that Mr Wallace, a Queen's Park reporter, had contacted Dr Truong of the Van Lang Centre?

Mr Brian Sutherland: Yes.

Ms Cronk: And that it appears that Dr Truong was told that Mr Wallace had received a brown envelope of information and that he would not disclose the source, and he then proceeded to ask a number of questions concerning the Van Lang Centre?

Mr Brian Sutherland: That's correct.

Ms Cronk: If we look at the distribution of this on the bottom, it appears that a copy went to the deputy minister's office, to the communications adviser at the minister's office, to the executive coordinator of communications and to the appropriate assistant deputy minister. I take all of those to be references to the Ministry of Housing?

Mr Brian Sutherland: That's correct.

Ms Cronk: Should we take from this that on May

30th, the day before the articles appeared in the press, Mr Sutherland, that information came to the Ministry of Housing in Ottawa that this contact had been made by Mr Wallace with Dr Truong and that information was reported to the minister's office and the deputy minister's office in Toronto?

Mr Brian Sutherland: That's correct, yes.

Ms Cronk: Could I ask you now to go to volume 3 of exhibit 1 and to tab 56? This is entitled "Supplementary Background Note." If you go to page 3, Mr Sutherland, it's dated June 1, 1994. Was this document prepared by you?

Mr Brian Sutherland: I believe this document would have been prepared by Mr Clement, not myself. We may have collaborated on it.

Ms Cronk: Do you recall doing so, or is that just a supposition at this stage?

Mr Brian Sutherland: Perhaps that's a supposition. I believe it was prepared for the most part by Mr Clement.

Ms Cronk: As I read it, it is directed to providing information and reporting upon the matters raised in the Wallace articles in the press. Is that correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: Specifically with respect to paragraph 2, does it detail certain of the allegations made by Ms Pretty concerning alleged infractions of the Corporations Act?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: And it provides, over at page 2, information concerning each of the allegations referred to in the Wallace articles?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: And over on page 3, in a handwritten note that appears at the bottom entitled—at least in the box the words appear, "Confidential re: litigation," there's reference made to one action in litigation involving the former project manager at the Van Lang Centre, Ms Trinh Tran.

Mr Brian Sutherland: That's correct.

Ms Cronk: And that has to do with her employment situation, as I understand it.

Mr Brian Sutherland: That's right.

Ms Cronk: So there's no mention in this article in any detail of the charges that had been initiated by Miss Pretty or reported upon by Mr Wallace in the two articles dated June 1.

Mr Brian Sutherland: No, there is not.

Ms Cronk: Could I ask you to go to tab 68 of the same volume, Mr Sutherland, and if you could just put your hand there for the moment so that you've got that point in the documents and then also flip to tab 65, maybe you could just keep the two before you at once. At tab 65 there is a memorandum from Karen Ridley to Rob Sutherland dated Tuesday, June 7, 1994. More accurately, it may be an e-mail. Do you know who Karen Ridley is?

Mr Brian Sutherland: Karen Ridley, I believe, is the scheduler in the minister's office.

Ms Cronk: In Toronto?

Mr Brian Sutherland: In Toronto, yes.

Ms Cronk: And Mr Sutherland?

Mr Brian Sutherland: Mr Sutherland is one of the minister's advisers who works out of her office in Toronto.

Ms Cronk: And a copy appears to have gone to Mr Marc Collins as well?

Mr Brian Sutherland: Yes.

Ms Cronk: And Mr Collins, you've told us earlier, was with the minister's offices in Toronto in an advisory capacity?

Mr Brian Sutherland: That's correct.

Ms Cronk: And if you look at the handwritten notes at the bottom, would you agree with me that it appears to suggest that contact had been made with Bill Clement?

Mr Brian Sutherland: That's correct.

Ms Cronk: And in part it concerns the articles that appeared under Mr Wallace's byline?

Mr Brian Sutherland: That's correct.

Ms Cronk: And does it also indicate that the minister had been asked the preceding January to meet with the board and that the minister would meet with the board at 10 Rideau the following week, that is, the week after June seventh?

Mr Brian Sutherland: I'm just looking for the reference to "earlier in the year."

Ms Cronk: I'm sorry?

Mr Brian Sutherland: I'm just looking for reference to the minister's intention to meet with the board earlier in the year.

Ms Cronk: If I could just direct your attention to this third line of the handwritten note, it appears to read, "Board asked to meet with minister last January."

Mr Brian Sutherland: Yes, that's correct.

Ms Cronk: "Minister will meet with board at 10 Rideau."

Mr Brian Sutherland: That's right.

Ms Cronk: "Who will be there—called Hieu Truong, secretary-treasurer. Staff attending—Brian Sutherland."

Mr Brian Sutherland: That's correct.

Ms Cronk: Can you help me now, Mr Sutherland, as to whether on or about June the seventh you became aware of an intended meeting by the minister with the board?

Mr Brian Sutherland: Yes, I did. Mr Clement advised me that this was in the works. I was still somewhat unclear about our role in that meeting, but in fact I asked Bill to keep me posted. I recall asking him a question either the week of or a week before the meeting as to whether we were to participate. Shortly thereafter, I was made aware that our attendance was required.

Ms Cronk: Do you remember when you first became aware that—when you say "our attendance," I take it it was yours.

Mr Brian Sutherland: My attendance, yes.

Ms Cronk: When did you first become aware that

you would attend the meeting with the minister and the board?

Mr Brian Sutherland: It would have been around the eighth, if not the week of the 17th.

Ms Cronk: Do you remember who first informed you of that?

Mr Brian Sutherland: I believe it was Bill.

Ms Cronk: Bill Clement?

Mr Brian Sutherland: Yes.

Ms Cronk: Did he tell you at that time the purpose of the meeting?

Mr Brian Sutherland: Well, we had a pretty good idea of what—if there was a meeting with the board, we assumed it was because of ongoing difficulties.

Ms Cronk: Did anybody actually tell you what the purpose of the meeting was?

Mr Brian Sutherland: No, but because of our involvement we assumed that it may be somewhat associated with problems at the centre.

Ms Cronk: And do you remember—did Mr Clement indicate to you how he's become aware of the meeting?

Mr Brian Sutherland: He advised me that Karen Ridley from the minister's office had kept him posted on it.

Ms Cronk: All right. Were you told by Mr Clement who was to attend the meeting?

Mr Brian Sutherland: Yes, I was. I wasn't certain about that, and it seems to me I asked him two or three times, "What is our role?" You know, "Who should be there?" It was clear to me well in advance of the meeting that I should be there.

Ms Cronk: All right. Apart from representatives of your office, were you informed by Mr Clement or anyone else who was to be in attendance at the meeting?

Mr Brian Sutherland: No, I wasn't.

Ms Cronk: Did you have any understanding or expectation as to whether Sharron Pretty was expected to be at that meeting?

Mr Brian Sutherland: I didn't have an understanding either way.

Ms Cronk: Did the matter come up in your discussions with Mr Clement?

Mr Brian Sutherland: Not that I can recall. I mean, when we talked about a meeting with the board, I assumed it would be the board. I didn't think of Sharron Pretty and the board; I was just thinking in terms of the board at that time.

Ms Cronk: When you say "the board," does that include or exclude Sharron Pretty?

Mr Brian Sutherland: Well, it would have included Sharron Pretty at that time.

Ms Cronk: So should I take from that that you understood the meeting was to be with the board and in your mind that would have included Sharron Pretty?

Mr Brian Sutherland: I may have had some thoughts in my own mind about whether it does or whether it doesn't, but as far as I was concerned she was still a

member of the board. If we were meeting with the board, I had no reason to believe either way that she would or wouldn't be there.

Ms Cronk: Was there an issue in your mind about her attendance at all?

Mr Brian Sutherland: Not really.

Ms Cronk: All right. The committee has heard in other evidence that on June the 10th there was another meeting involving the minister related to Van Lang: There was a meeting between Ms Trinh Luu and the minister. Do you recall being informed of that in advance of that meeting?

Mr Brian Sutherland: I was uncertain about that meeting until very close to the meeting on the 17th. I wasn't sure that such a meeting had taken place.

Ms Cronk: So in terms of your understanding of the situation at the time you learned of the intended meeting on the 17th, you knew at that point that the board had previously requested a meeting with the minister—

Mr Brian Sutherland: Yes.

Ms Cronk: —advice against such a meeting had been given by your office and the board, in due course, was informed that such a meeting would not occur—

Mr Brian Sutherland: That's right.

Ms Cronk: —all those events occurring as at the end of March 1994.

Mr Brian Sutherland: That's right.

Ms Cronk: You knew as well that Trinh Luu and Sharron Pretty had requested a meeting with the minister because a copy of their letter of March 4 had been provided to you and your offices in Ottawa had advised against that meeting as well?

Mr Brian Sutherland: That's right.

Ms Cronk: In so far as you were aware, had a formal response gone from the minister or her staff in Toronto to Ms Trinh Luu or Ms Pretty prior to Mr Wallace's articles about a meeting?

Mr Brian Sutherland: I wasn't aware of one.

Ms Cronk: Did you know then, in the early part of June, when the intended June 17th meeting came to your attention, whether there had been a meeting with Sharron Pretty or Trinh Luu?

Mr Brian Sutherland: No, I really didn't.

2030

Ms Cronk: Did you, once you learned of the intended meeting on June 17th, pick up the telephone and talk to anybody at the minister's offices in Toronto to find out what this was all about?

Mr Brian Sutherland: Not that I can recall. I was depending on Bill to keep me posted. He was dealing with Karen Ridley. The key thing I was interested in was whether my attendance was required and when the meeting was.

Ms Cronk: What was your understanding, if any, Mr Sutherland, as to why this meeting was being scheduled at this particular point in time?

Mr Brian Sutherland: I really didn't know.

Ms Cronk: Did you make any inquiries in that regard

or were you informed by anyone subsequently as to why it was being arranged at this particular point in time?

Mr Brian Sutherland: Not that I can recall. I just knew the meeting was on and recognized it was the minister's prerogative to have such a meeting, and did she wish us to be there or not, and as she did, I made arrangements to attend.

Ms Cronk: As I understand it, then, it was a situation where dual requests had previously been made for a meeting, your offices had advised against it and in so far as you were aware, such meetings had not occurred either with the board, Sharron Pretty or Trinh Luu. Am I right so far, in so far as you were aware?

Mr Brian Sutherland: That's correct.

Ms Cronk: Then on June the first two articles appear under Mr Wallace's byline, and your offices, through Mr Clement, are aware of that media contact, and there's some information obtained from Dr Truong about that. Am I correct?

Mr Brian Sutherland: That's right.

Ms Cronk: All right. In your mind, did the appearance or publication of those articles heighten any issues with respect to Van Lang in the sense that it was now attracting public attention?

Mr Brian Sutherland: Yes.

Ms Cronk: When you learned of the meeting on June 17th, did you attribute its cause at that point in time to the appearance of those articles by Mr Wallace?

Mr Brian Sutherland: Well, I certainly thought that they contributed in some way to the meeting being held.

Ms Cronk: In your own mind, was it because of the articles that you thought the meeting was being arranged at that point in time?

Mr Brian Sutherland: I felt I did, yes.

Ms Cronk: Were you provided, prior to the meeting of June 17th, with any further information about who was to be in attendance; what the agenda, formal or informal, was to be for the meeting? Did you get any detail on it before you actually attended it?

Mr Brian Sutherland: No, I didn't. As a matter of fact, I showed up at the wrong location for the meeting and had to redirect myself. I simply relied on Bill to keep me posted. The word we got was that there would be a meeting on Friday the 17th of June at 11:30, and I made arrangements to attend.

Ms Cronk: Did you have any personal involvement in arranging the meeting?

Mr Brian Sutherland: No, I didn't.

Ms Cronk: As I understand it, though, Mr Clement did, in terms of communicating with the board of the Van Lang Centre?

Mr Brian Sutherland: Yes, he did.

Ms Cronk: All right. Now, the note at tab 65, just to continue on, refers to: "Staff attending—Brian Sutherland.

"Audrey—wants list of board members." Stopping there for a moment, had you met or did you know the staff of the minister at her constituency office in Ottawa?

Mr Brian Sutherland: I knew them, yes.

Ms Cronk: Did you know a Ms Audrey Moey?

Mr Brian Sutherland: Yes.

Ms Cronk: And a Ms Sue Lott?

Mr Brian Sutherland: Yes.

Ms Cronk: Did you, on or about this time, that is, the beginning of June, 1994, have any communication from either of them about this meeting?

Mr Brian Sutherland: No, I did not.

Mrs Marland: Ms Cronk, for the benefit of the committee, did you ask if this writing had been identified on the memo? I realize the name on the memo is Karen Ridley.

Ms Cronk: I didn't ask this witness. Do you know, Mr Sutherland?

Mr Brian Sutherland: No, it doesn't look familiar to me, so I'm assuming it's not the handwriting of anyone in my office.

Ms Cronk: I think we'll have to get that, Mrs Marland, from a subsequent witness.

Then continuing on, I can't read the next word, "...put a note on"—can you help me with that?—"every"—something—"door."

Mr Brian Sutherland: "On every tenant's door."

Ms Cronk: "On every tenant's door." Then, I'm sorry, I can't read the next word: "...Sharron Pretty. Bill to make sure every board member know." Am I reading that correctly?

Mr Brian Sutherland: Yes.

Ms Cronk: "Bill will send list of board members, and list of those attending." I take those to be references to Bill Clement?

Mr Brian Sutherland: That's right.

Ms Cronk: Then it says: "Change meeting to 11:30. Bill will let board members know."

Mr Callahan: You've got "...put a note on every tenant's door"—then a hyphen, something or other—"Sharron Pretty."

Mr Chiarelli: That's "pres," I think, the first word.

Ms Cronk: "Pres put a note...."

Mr Harnick: "Pres put a note on every tenant's door discrediting Sharron Pretty."

Mr Callahan: Yeah, that's what I read it.

Ms Cronk: I don't think it says "discrediting."

Mr Callahan: What does it say?

Ms Cronk: We're going to have to get that from the author of the note, and I anticipate you'll be hearing from the author. I can't help you with that word.

Mr Brian Sutherland: I can't interpret that.

Ms Cronk: Could I ask you to look at tab 68, please. That's the one where some time ago I asked you to keep your other hand. It's a letter from Mr Clement to Dr Vinh Tang, president of the Van Lang board, dated June the ninth. It appears to be confirming arrangements for the meeting with the minister.

Mr Brian Sutherland: That's right.

Ms Cronk: It suggests in the second paragraph that

he was being—that is, he, Dr Tang—requested to advise all directors and to let Mr Clement know by the following Wednesday which ones would be attending, which directors.

Mr Brian Sutherland: That's correct.

Ms Cronk: Did you see this letter?

Mr Brian Sutherland: No, I did not.

Ms Cronk: Then could I ask you to go to tab 78, if you would, please. The first document at tab 78, Mr Sutherland, for the record, is a memorandum dated June 15th, 1994, to Karen Ridley from Lisa Heaton. The subject matter concerns the "Minister's meeting with the board of Van Lang, Ottawa," and it indicates that a note is attached "for the minister's meeting with this group"—I take that to mean the board of Van Lang—

Mr Brian Sutherland: That's correct.

Ms Cronk:—"on Friday, June 17." If we look at the note itself, it on page 5 indicates an original date of May the 10th, 1994, and an update as at June 15th?

Mr Brian Sutherland: That's correct.

Ms Cronk: In terms of the staff contact, both yourself and Bill Clement are named.

Mr Brian Sutherland: That's right.

Ms Cronk: Should we take from that that it was prepared by your offices?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: Did you personally prepare this?

Mr Brian Sutherland: I participated in the development of this note.

Ms Cronk: With respect to this note, could you describe to the committee what its purpose was, please?

Mr Brian Sutherland: Well, it seems to me that the meeting had been scheduled and there was a need to provide updated and clear information on all issues pertaining to the Van Lang Centre. In many cases, the note reflects an updating of events that were in previous notes, but I do recall sitting down with Bill and looking at some issues that we had perhaps not dealt with through our notes before that were in Ms Pretty's October 29th letter.

Ms Cronk: As I read these background notes, and there are a number of them before the committee. We for example have looked at the February 14th one, 1994, and I asked you questions about the May 30th one, and now we're at one as at June 15th.

Mr Brian Sutherland: That's right.

Ms Cronk: Or at least updated as at June 15th. As I read them, what appears to be happening in these documents, Mr Sutherland, is that they are really updating documents in the sense that the author, as at the date of the note, is building on information contained in previous background notes. Is that a fair way to describe it?

Mr Brian Sutherland: That's correct. Most of the construction of the document was done by Mr Clement on the basis of previous information.

Ms Cronk: The idea would be to add additional or new or amended information but to retain the previous information contained in earlier notes?

Mr Brian Sutherland: That's correct.

Ms Cronk: Can you confirm for the committee whether the minister, Evelyn Gigantes, received a copy of this note prior to the meeting on June 17th?

Mr Brian Sutherland: It's my understanding she did.

Ms Cronk: In addition, if we look at the covering memorandum to Karen Ridley from Lisa Heaton, it appears that a copy was also sent to Marc Collins.

Mr Brian Sutherland: That's right.

Ms Cronk: Who is Lisa Heaton?

Mr Brian Sutherland: Lisa Heaton works in the information liaison service and does a lot of the distribution of these notes at head office in Toronto.

Ms Cronk: Would it be fair of me to suggest, Mr Sutherland, that this background note contains considerable detail in a chronological fashion about events regarding the Van Lang Centre?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: Including regarding concerns expressed over the course of time by Sharron Pretty and in part Ms Trinh Luu?

Mr Brian Sutherland: Yes.

Ms Cronk: In addition, if we turn to page 4 of the background note, I direct your attention to the last bullet on the page. Does that specifically deal with the response of the Van Lang board to the main allegations made in the Wallace article which appeared in the Sun on June the first?

Mr Brian Sutherland: That's correct.

Ms Cronk: Specifically, paragraphs 1 through 5 are directed to detailing the board's response to those allegations?

Mr Brian Sutherland: That's correct, yes.

Ms Cronk: And if we look on page 5, there are a number of entries under the date June 16, 1994.

Mr Brian Sutherland: Yes.

2040

Ms Cronk: And do those relate specifically to the status of the charges then pending before the court as initially initiated by Ms Pretty?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: And do they indicate both the status of it in terms of the fact that summonses had been received by all the directors to appear in provincial court on June 16th, the first paragraph beside the date June 16th?

Mr Brian Sutherland: Oh. Yes. Yes, it does.

Ms Cronk: I've expressed that badly. What I'm suggesting to you—

Mr Brian Sutherland: I was looking for the date June 16th. It does express that, yes.

Ms Cronk: So it indicates that there was a court date on June 16th with respect to those charges.

Mr Brian Sutherland: That's right, that they had now received a summons, right.

Ms Cronk: Does it also indicate the nature of the charges, or at least some of them?

Mr Brian Sutherland: Yes, that Miss Pretty has been refused to inspect various corporation documents.

Ms Cronk: And then I don't propose to ask you questions about this, but there's also some commentary made about the nature of the charges themselves and the board's response to them?

Mr Brian Sutherland: Yes, there is.

Ms Cronk: It's also suggested that there was a perception that Ms Pretty was using "this information for the purpose of discrediting the board"?

Mr Brian Sutherland: Yes.

Ms Cronk: Did you write that?

Mr Brian Sutherland: I don't think I wrote that. I can't recall whether I wrote that or Mr Clement wrote that. But it may have originated from our office.

Ms Cronk: And whose perception was that, as you understood it?

Mr Brian Sutherland: I'm assuming it may have been Mr Clement's perception from conversations he had with the board members.

Ms Cronk: But that's an assumption; you don't know.

Mr Brian Sutherland: That's right; I just don't know.

Ms Cronk: Was it yours?

Mr Brian Sutherland: I can't precisely say whether it was. At this point in time, I just can't recall whether that was something I authored completely or whether it was the result of a discussion with Mr Clement.

Ms Cronk: Or does it relate to a perception by the board, or do you know?

Mr Brian Sutherland: I would feel that that was a perception of the board and we had sort of inserted it in the briefing note.

Ms Cronk: With respect to the next entry—that is dated June 19th, 1994—does that paragraph record the fact that a special meeting of the board was scheduled for June the 19th for the purpose of considering the removal of Ms Pretty from her office as a director?

Mr Brian Sutherland: That's right.

Ms Cronk: And do you know the source of that information?

Mr Brian Sutherland: I'm assuming again that this came via the non-profit group.

Ms Cronk: So do I understand then—and please correct me if I am misstating this in any way—as at the date of this background note, June 15th, which you understand to have been provided both to Marc Collins and the minister, detail was being provided first as to the status in the courts, in the sense of timing of appearances with respect to these charges and with respect to the nature of the charges, and of the fact that they involved directors of the Van Lang Centre who had received summonses?

Mr Brian Sutherland: That's correct.

Ms Cronk: All of that information was contained in this document?

Mr Brian Sutherland: That's correct.

Ms Cronk: And in addition, specific detail was provided that there was a then pending meeting of the board of directors for the express purpose of removal of Ms Pretty as a director of the corporation?

Mr Brian Sutherland: That's correct.

Ms Cronk: In addition, if we turn to the prior page and if you look at the entry for June 3, 1994, does that paragraph make it clear that a complaint had been filed by Sharon Pretty with the crown attorney with respect to the alleged denial of access rights to her concerning information relating to the Van Lang corporation?

Mr Brian Sutherland: That's correct.

Ms Cronk: So that this document as well indicated that the crown attorney was involved.

Mr Brian Sutherland: Yes.

Ms Cronk: And then, Mr Sutherland, the committee has heard that the meeting in fact proceeded on June 17th at the Rideau Centre in Ottawa?

Mr Brian Sutherland: Yes.

Ms Cronk: And you indicated a few moments ago that there was, I take it, some confusion and you actually went to the wrong place.

Mr Brian Sutherland: I went to the minister's constituency office in error. I just hadn't been clear on the location.

Ms Cronk: Did you arrive at the meeting in time for its commencement?

Mr Brian Sutherland: Yes, I did. It seemed as though everyone else was there and they were waiting for me. In fact, one of the minister's assistants was about to shut the door, I felt, but I was about 10 minutes late, 8 or 10 minutes late, I believe.

Ms Cronk: So you got there in time. It hadn't started yet.

Mr Brian Sutherland: Yes.

Ms Cronk: Apart from your participation in the preparation of the background note that we've just looked at, did you have any other information going into that meeting relating to what was going to be discussed or who was going to be there?

Mr Brian Sutherland: No, I did not.

Ms Cronk: To your knowledge, was there an agenda for that meeting, formal or informal?

Mr Brian Sutherland: I did not notice an agenda.

Ms Cronk: And you weren't given one before the meeting?

Mr Brian Sutherland: No.

Ms Cronk: Perhaps if I can lead you on this part of it, and then I am going to ask you to outline for the committee what you remember of the meeting, the committee has heard that in addition to yourself obviously the minister was present; Audrey Moey; Beverley Bell; four directors from the Van Lang Centre apart from Sharron Pretty, namely, Dr Can D. Le, Dr Hieu Truong, Dr Vinh Tang and Mr My Nguyen; and in addition Sharron Pretty, for a total of nine people. Does that accord with your recollection?

Mr Brian Sutherland: That's correct.

Ms Cronk: Did anyone leave the meeting during the course of it, as you can now remember it?

Mr Brian Sutherland: Not to my knowledge. I can't recall anyone leaving. I just can't recall that.

Ms Cronk: Did you personally make any notes during the course of the meeting?

Mr Brian Sutherland: My notes are very abbreviated and are just jottings to help me sort of follow the main points. I certainly didn't take extensive notes.

Ms Cronk: To your knowledge did anyone else make any notes, extensive or otherwise, during the course of the meeting?

Mr Brian Sutherland: I was aware that Audrey Moey from the minister's office was taking notes, because she was sitting beside me.

Ms Cronk: Did you see anyone else making notes?

Mr Brian Sutherland: Not noticeably. I was attempting to follow the conversation and I didn't notice a lot of note-taking.

Ms Cronk: In particular, did you see the minister making any notes at that meeting?

Mr Brian Sutherland: No, I did not.

Ms Cronk: Or Mr My Nguyen?

Mr Brian Sutherland: I don't believe so.

Ms Cronk: All right. Could I ask you to look at tab 83 of this volume. Are these the notes that you made at the meeting, Mr Sutherland?

Mr Brian Sutherland: Yes, they are.

Ms Cronk: They are on a day book form or a date book or appointment book form dated June 17th, 1994. Is that where you made your notes?

Mr Brian Sutherland: That's right.

Ms Cronk: In fairness, looking at the notes, are they really a jotting of various things that were discussed at the meeting?

Mr Brian Sutherland: They were a jotting of things that stood out in my mind that I just felt important, but certainly not an exhaustive report on the meeting.

Ms Cronk: How did you make these notes? By that, I mean, at the time that you made an entry or a notation, were you doing so in the sequence in which matters came up, or was it all over the map?

Mr Brian Sutherland: I think there was some sequence to it. You know, I tried to follow main points even though it may not appear that way here. But obviously, I started at the top of the page and some of the things there would have been reviewed earlier on in the meeting.

Ms Cronk: Was this meeting, to your knowledge, taped by anyone?

Mr Brian Sutherland: Not to my knowledge.

Ms Cronk: How did the meeting begin, Mr Sutherland?

Mr Brian Sutherland: I believe either Mr Tang—I'm just not certain on this—Mr Tang on behalf of the Vietnamese non-profit housing corporation welcomed the

minister. There were the usual pleasantries and the minister responded by saying that or indicating that she was glad that she was able to be here, because she had been following events and that it had been corresponded to by the parties over the recent period and was concerned about the wellbeing of the non-profit, its state of affairs.

It seems to me there was some reference made, in a general way, to the situation that had been expressed in the newspaper that had to do with the intention to remove Ms Pretty from the board, and her awareness of the fact that charges had been laid by Ms Pretty against other members of the board. And it was her feeling that, or it seemed to me that the intention was, is there any way that we can resolve this? Is there any way that we can work together to fix this situation? That was sort of the opening statement, if you will, by the minister.

Ms Cronk: Were any documents provided to the minister at the meeting that you recall?

Mr Brian Sutherland: I was aware of a document after the meeting. I don't believe I made reference to it during the meeting, and that was a brief that was prepared by the non-profit board outlining their main areas of concern.

Ms Cronk: And was a copy of that brief provided to the minister at the meeting?

Mr Brian Sutherland: I can't recall whether it was handed to her. As I say, I arrived a little late, but I'm assuming that she had access to that document.

Ms Cronk: Did you, in the sense, were copies distributed around the table, or handed out to people at the meeting?

Mr Brian Sutherland: There were copies available because I picked up a copy after the meeting. It seems to me I was not following that document during the meeting.

Ms Cronk: Could I ask you to look at tab 80. Is this the document that was provided to the minister by the board at the meeting?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: And is this the document that you picked up at the end of the meeting?

Mr Brian Sutherland: That's correct.

Ms Cronk: How often, as a matter of normal course,

Mr Sutherland, in your duties, would you attend meetings with the minister in Ottawa?

Mr Brian Sutherland: Certainly infrequently.

Ms Cronk: Infrequently?

Mr Brian Sutherland: Let me rephrase that. I may attend functions with the minister when there's an opening of a housing project or some other event of major importance going on, but in terms of meeting with her, that would be very seldom.

Ms Cronk: Was this then an unusual occasion in that sense?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: In terms of the other persons present at the meeting, did you personally know all of them?

Mr Brian Sutherland: Yes. I knew them from previous—I knew the minister's staff from previous dealings with her office, and as far as the members are concerned, I had some—I remembered them from our December 30th meeting, most of them.

Ms Cronk: You knew the directors.

Mr Brian Sutherland: Yes.

Ms Cronk: And you knew Ms Pretty, of course, because you had met with her.

Mr Brian Sutherland: Yes, I did.

Ms Cronk: Did you know Ms Bell as well?

Mr Brian Sutherland: Yes.

Ms Cronk: Because of the lateness of your arrival, did you have the opportunity for any discussion with the minister prior to commencement of the meeting?

Mr Brian Sutherland: No, I did not.

Ms Cronk: Or for any discussion with Ms Pretty?

Mr Brian Sutherland: No, I did not.

Ms Cronk: Or, for that matter, anyone else in attendance at the meeting?

Mr Brian Sutherland: No. I arrived just as the meeting was to commence.

Ms Cronk: Mr Chairman, rather than getting into any further detail tonight, I'm going to propose, if it's agreeable to the committee, that we break at this stage.

The Chair: I've already talked to the subcommittee members and they agree.

Ms Cronk: Thank you. So we can complete this in one stretch in the morning.

The Chair: So we'll adjourn until tomorrow.

The committee adjourned at 2055.

CONTENTS

Tuesday 9 August 1994

Alleged breach of conflict-of-interest guidelines	M-435
Sharron Pretty	M-435
Brian Sutherland	M-496

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

- *Chair / Président:** Hansen, Ron (Lincoln ND)
Vice-Chair / Vice-Président: Wessenger, Paul (Simcoe Centre ND)
Dadamo, George (Windsor-Sandwich ND)
***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)
MacKinnon, Ellen (Lambton ND)
***Mathysen, Irene** (Middlesex ND)
McClelland, Carman (Brampton North/-Nord L)
Morin, Gilles E. (Carleton East/-Est L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)
***Sutherland, Kimble** (Oxford ND)
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland
Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan
Harnick, Charles (Willowdale PC) for Mr Villeneuve
Marchese, Rosario (Fort York ND) for Mr Dadamo
Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling
Murphy, Tim (St George-St David L) for Mr Morin
Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon
Winninger, David (London South/-Sud ND) for Mr Wessenger

Also taking part / Autres participants et participantes:

Hunt, Phillip G., legal counsel to directors, Van Lang Centre
McKinnon, Colin D., legal counsel to Ms Sharron Pretty
Stupart, Robert, solicitor, Ministry of Housing

Clerk / Greffière: Freedman, Lisa

Staff / Personnel:

Cronk, Eleanore, counsel to the committee
Hourigan, William, counsel to the committee
McLellan, Ray, research officer, Legislative Research Service

CA201
V270
-130

Document
Productions



M-25A

M-25A

ISSN 1180-436X

Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 10 August 1994

Journal des débats (Hansard)

Mercredi 10 août 1994

Standing committee on the Legislative Assembly

Alleged breach of
conflict-of-interest guidelines

Comité permanent de l'Assemblée législative

Allégations d'enfreinte aux consignes
sur les conflits d'intérêts

Chair: Ron Hansen
Clerk: Lisa Freedman

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944–1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 10 August 1994

Mercredi 10 août 1994

*The committee met at 0940 in room 151.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES

The Chair (Mr Ron Hansen): I bring the standing committee on the Legislative Assembly to order. I'd like to read out the subcommittee report we had last night.

"Your subcommittee met on August 9, 1994, and agreed to the following:

"(1) Legal counsel will have as much time as necessary for her examination of Evelyn Gigantes.

"(2) The testimony of Ms Gigantes will commence at a set time.

"Your subcommittee did not have unanimous agreement for the following:

"(3) It was moved by Mr Chiarelli,

"That an extra day be added to the public hearing schedule, this day to be either Friday, August 12, 1994, or Monday, August 15, 1994. (The Liberals and Progressive Conservatives voting in favour and the New Democratic Party voting against, pursuant to the terms of reference of the House dated June 23, 1994, this matter will be referred to the House leaders.)

"(4) It was moved by Mr Chiarelli,

"That, if an extra sitting day is not forthcoming, the testimony of Ms Gigantes commence prior to 12 noon on August 11, 1994. (The Liberals and Progressive Conservatives voting in favour and the New Democratic Party voting against, pursuant to the terms of reference of the House dated June 23, 1994, this matter will be referred to the House leaders.)"

This report is deemed adopted.

Mr Robert Chiarelli (Ottawa West): Mr Chair, can I have the floor to make a motion?

The Chair: It would be in order.

Mr Chiarelli: Thank you. I move the committee—

Mr Kimble Sutherland (Oxford): Mr Chair, point of order: Could I just seek some guidance on that? It was my understanding that under the terms of reference, and agreed to at a previous subcommittee, the business or organizational business of this would be dealt with at the subcommittee, which has all-party representation.

The Chair: I'll have the clerk explain it.

Clerk of the Committee (Ms Lisa Freedman): While that's true, there was nothing in the terms of reference or in the standing orders of the House that would preclude a member from moving a motion in committee.

Mr Robert V. Callahan (Brampton South): That's called democracy.

Mr Chiarelli: Mr Chair, I'd like to move a motion.

The Chair: Go ahead, Mr Chiarelli.

Mr Chiarelli: I move that this committee meet on Friday the 12th day of August or Monday the 15th day of August to complete the examination of witnesses recommended by committee counsel.

That's my motion. It is my understanding, Chair, that the advice of counsel is that there is insufficient time to complete the examination of witnesses who this committee has already agreed, who the House leaders have already agreed, should be examined. It is also my understanding of counsel's advice that the evidence of these witnesses who might not be heard is extremely relevant to establishing the conflict or non-conflict of interest of the minister in question, Evelyn Gigantes.

I think it is sufficiently important that this motion be put and that we have some kind of discussion on the public record. I think it is compromising the credibility of the committee, which has already agreed on the relevance of a number of key witnesses, to now have to make a decision on which witnesses we will not hear from, and it is very possible that in excluding witnesses by reason of this time constraint, there are very relevant witnesses, such as people on the minister's staff who would have had communications with the minister, who we will not be able to hear from. I think it's very important that we deal with this motion, and I hope that in the spirit of cooperation we'll get some consensus that we can have the extra day to examine witnesses; this, according to my understanding, on the advice of independent committee counsel. Thank you, Mr Chair.

The Chair: Before I go on to any more points of order I'll have the clerk explain exactly what happens if your motion passes.

Clerk of the Committee: Mr Chiarelli, I'd just like to point out that if this motion is to pass, we would still have to seek the approval of the House leaders for permission to sit outside of the four days that were granted for public hearings in the terms of reference.

Mr Chiarelli: I believe the House leaders would be available for a telephone conference on fairly short notice, and I think it would be very useful to the House leaders to have a motion coming from the committee as a whole indicating the desire, the need and the advice we have had to provide sufficient time to examine witnesses.

Mr Sutherland: I would request that the motion be deferred. I think at this stage it's a little premature. I

think we need to see how testimony goes today and at the end of the day we'd be in a much better position to make some type of judgement or decision on this issue. Mr Chiarelli talks about a "spirit of cooperation," and I have to laugh a little bit, because we have been working through these issues at the subcommittee and have been trying, I think, to come up with some solutions. But I do think it is a bit premature at this stage and I think it would be best to defer the motion until we hear today's testimony and then we'll be in a better position to make a decision.

The Chair: I see Mr Callahan, but I'm going to go to Mr Harnick next so we hear from the third party.

Mr Callahan: I thought we were going alphabetically.

Mrs Margaret Marland (Mississauga South): I thought we were going through the subcommittee first.

Mr Charles Harnick (Willowdale): I find it rather strange that Mr Sutherland says this is premature. We're starting the third day of a four-day hearing. From what Mr Chiarelli says, our counsel has made it quite clear that we cannot complete the agreed-to agenda of witnesses in the four days that have been allotted to us, so I don't think there's anything premature about the motion Mr Chiarelli brings. I do think we should ask our counsel what in her estimation, because she understands the amount of material still to go through with each of the witnesses and she is in a better position to advise us on the record, the time lines might be. And what I would like to know from counsel is whether in fact in counsel's estimation, to do this job properly, we need the extra day, be it on Friday or Monday, and then I think the committee should be in a position to decide whether to agree to that extra day. I think that would be helpful.

Ms Eleanore Cronk: Mr Chair, members of the committee, it has been my view and advice to the committee that the extra day is required in order to complete this hearing in the manner in which I would recommend that it be done.

Mr Callahan: Mr Chair, I find that the suggestion that's being made is eminently reasonable. I really find it difficult to understand why the government members are objecting to it. We've got four days next week. I recognize technically what the clerk says about the question of House leader approval, but surely to God it's not going to take us four days to write a report. In fact, we're not even writing it, the committee counsel is writing it. She's got to have time to do that. If the report we're going to write is going to be so vacuous that it's going to not allow us to do what committee counsel at the outset said, that it may be very important that we make findings of credibility in this matter in order to come up with a proper determination, then I suggest that without these witnesses, it makes it very difficult for us as members to make any assessments in that regard. It will simply eliminate witnesses that counsel has considered to be relevant and appropriate.

0950

I just find that the position of the government in terms of not agreeing to the suggestions that were made in the subcommittee meeting are absolutely obtuse. It's no

wonder that people out there in the public who are viewing this or reading about it think we're absolutely all bonko down here and that we're just throwing away taxpayers' dollars. This is a very serious issue. It's an issue that should be given a full airing. We've already had an instance at the outset of this where one of the members—I understand he said that that's not what he meant—indicated that he'd already made up his mind, and I suspect that if that maintains—

Mr Sutherland: Check Chiarelli's press release, Mr Callahan, three days after the event.

Mr Callahan: —as true, then what the government is doing is probably appropriate, because we perhaps know what the result of this is going to be anyway.

I would think the minister would certainly want to come forward and have her opportunity to speak; that's only fair. The committee, as was said by committee counsel—we're sitting as a quasi-judicial committee. We're not sitting here as a Star Chamber, as it were, and I think it's appropriate that we hear witnesses that committee counsel considers appropriate in order to determine the issue that was put to us by the Legislature.

To do anything other than that would be totally irresponsible, so I suggest that the additional day of either Friday or Monday—and I'd even go as far as to say Tuesday, if necessary—is appropriate, and I think the House leaders would certainly be prepared to accept that, particularly as the committee counsel herself has recommended that additional days are required. Mr Chair, anybody voting against this particular issue would certainly not have been listening, or at least understanding the reason we're going through this exercise and wanting to have it dealt with in an appropriate and fair and open fashion.

Mr Rosario Marchese (Fort York): I'm not sure that some members aren't missing the point, the way they're discussing the motion, but the motion was a deferral motion. Mr Sutherland says we'd like to review this matter at the end of the day. He didn't say that we don't want to meet, but rather said, "Let's defer it and talk about it at the end of the day." We're very conscious of the fact that if counsel needs more time, then the counsel needs more time, and I think we support that. Some of us are saying—

Mr Harnick: Then vote for the motion.

Mr Marchese: But that's why we're supporting a deferral motion, Mr Harnick.

Mr Harnick: Counsel says she needs more time now. We're wasting our time.

Mr Marchese: The point is, we're very concerned about the need for more time, yes. Is it unreasonable to defer this matter until the end of the day? I say no. We are not dismissing the whole issue at all, but rather, we want a sense of how the proceedings are going, to be able to then at the end of the day decide whether or not Friday is necessary. Mr Chair, I support the deferral motion.

Mr Harnick: There's no deferral motion on the table.

The Chair: Okay, is there unanimous consent that we defer till the end of the day?

Interjections.

Mrs Marland: Excuse me, Mr Chair, I think you had me down to speak.

The Chair: Yes, Ms Marland.

Mrs Marland: Thank you. I recall that Mr Marchese chaired one of the subcommittee meetings last week and I also recall that as long as a week ago today, before these hearings commenced, our counsel told us that there was insufficient time. So when you say, "We're very conscious of the fact that counsel needs more time," you'd better be, because our counsel told the subcommittee that one week ago.

For over a week we've known we've had insufficient time; for over a week the Liberals and myself on behalf of the Conservatives have been asking for more time. That was before we even started the hearings. Now we're into the hearings and we're already almost, I would guess, about eight hours behind what we had originally scheduled. What we had originally scheduled was at best three and a half hours short, so now we're looking at perhaps 11 or 12 hours, which has to be another day.

Now, if there's some paranoia on the part of the government about extending it because of cost, then using Monday does not add any extra cost, because we already have been assigned eight days. When those days were assigned and moved as a motion in the Legislature, we had not even selected the witnesses; we hadn't even looked at a witness list. We had no idea how much time we would need. Does it have to be that somehow it's some blessing from above when the Legislature, and in particular the government, of course with a majority, decides that this matter will be referred to a committee, without any knowledge of who needs to be called as a witness—that the practical aspect, when we find out who the witnesses are who need to be heard from, that we can't cooperatively say, "We've got to revise the time"?

You must realize, and if the rest of the committee members don't realize this, it's the fault of the subcommittee members, but one of the things about this hearing is that although we all suggested witnesses, the list we went with was a list compiled and suggested by counsel. There were witnesses that I suggested that we're not hearing from, and I think also Mr Chiarelli. So either you're going to turn this hearing into a complete circus or you're going to proceed with the advice of counsel. I understand that the government members don't want to listen to the Conservatives or the Liberals, and I respect the political dynamics of that, but how the government members continue for a whole week to ignore our professional counsel is beyond me. Why do you think we hire an independent counsel if you're not going to take her advice? That is absolutely beyond me.

When the Premier agreed that this should be referred to this committee, I'm quite sure that the Premier did not want this to turn into the circus and farce which now, with the suggestions that are coming forward, will happen, one of the suggestions being that come what may, we're going to hear from the minister, Gigantes, even if we have to cut out other witnesses. That's got to be the most bizarre suggestion I've heard. If we're going to cut out other witnesses, that's saying, "Well, we're going to gerrymander this and we, the government, will

decide now who the witnesses are."

The person who has decided who the witnesses are has been the counsel, who, by the way, before she brought us that list of witnesses, interviewed everybody whose names we all put forward. I cannot understand why you will not listen to our counsel, I can't imagine, someone who is apart and apolitical from this process.

Mr Tim Murphy (St George-St David): Mr Chair, I had the opportunity to sit in subcommittee a couple of times and was in fact pleased by the degree of cooperation we had on most issues. Part of what made that work, to be fair, was the fact that we by and large bowed to the recommendations of our counsel, who, as has been noted by some members, interviewed all of the witnesses at our suggestion, came to a conclusion based on interviewing all the witnesses, going through the process, that the 12 we are interviewing are the necessary witnesses to establish what we have been charged with, which is the determination of whether or not a conflict issue arose and the minister was in conflict. It is her professional opinion, for which we are paying her in fact—the taxpayers are paying her—that these 12 are necessary.

It was also her view and advice to us at the beginning of these hearings that the four days would not be sufficient to do that job adequately. At that time, Mr Sutherland, on behalf of the government, indicated that the time would be sufficient because the first estimate of time was about 32 or 33 hours, which is about how much sitting time we've had. It is now abundantly clear that that estimate, no matter how well intentioned, was very much off.

We are at least eight hours over that estimate, which is an additional sitting day, so any defence by Mr Sutherland based on an estimate being accurate no longer holds any water whatsoever. If he is continuing to say, as he should, that we are relying on counsel, that advice is even stronger now that we need an additional day.

As to Mr Marchese's suggestion that, "Oh no, all we're asking for is a deferral," it's a suggestion based on a complete misunderstanding of how it is that a counsel prepares for a hearing. How can it possibly make any sense that a counsel would, after finishing today whenever we finish, then get told the answer is, "No, we are not having sufficient time; you have to do eight witnesses on Thursday," with no preparation time involved? It's based on a misunderstanding of how counsel has to work.

1000

Our counsel has eight witnesses after this one in two days and we've had two in two. Included in that is obviously the key witness, Ms Gigantes, and if we are giving Ms Gigantes an equal time to those who have said she put pressure on Ms Pretty—Ms Pretty, I think, had seven hours of testimony—that would assume seven hours for Ms Gigantes alone, which is a day in itself. So that leaves something like eight or nine witnesses for less than eight hours of hearing.

This makes no sense as a suggestion, unless of course Mr Marchese is suggesting that if we defer the motion on his government's undertaking, that if at 2 o'clock counsel says to us, "We need more time," they have not only this

committee members' undertaking that they will agree to another day, but they have their House leaders' concurrence in that as well. And I suspect they can't give us that.

So what we are asking for at this point in time is a continuing of the cooperation that was at the subcommittee level by them as committee members to reinforce our counsel's recommendation as a suggestion to the House leaders from this committee that we need more time, we are requesting more time, but it is more time for evidence; it is not more time in total. We have allocated eight total hearing days and it was initially thought that four days of hearing and four days of report-writing would be sufficient. I think it is fair to say that we in the Liberal Party, and I suspect the Conservatives, would be equally more than happy to give up one of those report-writing days for further evidence, as that is clearly going to be required.

So in summation, I think it's pretty clear that there is no reason for the government to oppose this motion, other than their fear of another day of embarrassment.

Mr Chiarelli: In order that we not take more time which could be applied to witnesses, I'd like to call the question and I'd also like to ask for a recorded vote.

The Chair: Okay. All those in favour of calling the question? Unanimous, call the question. Okay. All those in favour of Mr Chiarelli's motion?

Mr Chiarelli: Recorded vote.

Ayes

Callahan, Chiarelli, Harnick, Marland, Murphy.

The Chair: All those opposed?

Nays

Johnson (Prince Edward-Lennox-South Hastings), Marchese, Mathysen, Owens, Sutherland, Winninger.

The Chair: Motion defeated. But the terms of reference still go back to the House leaders.

Interjections.

The Chair: Okay, can we continue with the witness? Welcome back again, Mr Sutherland. Ms Cronk, you may begin.

Ms Cronk: Good morning, Mr Sutherland.

Mr Brian Sutherland: Good morning.

Ms Cronk: Before you and I continue the discussion that we were having yesterday afternoon, there is a minor housekeeping matter from my perspective for a few moments.

Mr Chair, members of the committee, you will recall that before you as exhibits at the present time are exhibits 5 and 6. Exhibit 5 is a copy of a transcript of a discussion between Sharron Pretty and Sue Lott which occurred on May 19th, 1994, as prepared by our offices, that is, Mr Hourigan's office and my own, on the basis of an audio tape provided to us during the course of our witness interviewing. Exhibit 6 before you is a copy of a transcript similarly prepared, that is, by our offices, of a discussion between Ms Trinh Luu and Dr Tang on June 19th.

I have been requested to provide a copy of the original

transcripts that were given to us in respect of those discussions, that is, those provided to us by the witnesses—Ms Trinh Luu and Ms Sharron Pretty provided these transcripts to us—and in addition to provide formally to the committee a copy of the transcripts of the balance of the discussions which, as I understand the request, in my view are relevant, because the committee will recall that there are a large number of transcripts involved here, both of board meetings and of a number of telephone discussions.

It is my advice to the committee that of all the audio tapes which we received and of all the transcripts that we received in respect of those audio tapes, there are four that arguably bear directly on the matters at issue before you. They are as follows:

(1) The discussion of May 12, 1994, between Sharron Pretty and Karen Ridley;

(2) A discussion on May 19, 1994, between Sharron Pretty and Sue Lott;

(3) The discussion between Trinh Luu and Marc Collins on June 2, 1994;

(4) A discussion between Dr Vinh Tang and Sharron Pretty on June 19, 1994.

So I propose now to ask you to receive, and unfortunately it's a bundle of paper, some additional exhibits this morning which are the remaining transcripts in respect of those four discussions.

I've also been asked to provide, for the information of the committee, a copy of the index of those transcripts of which I am aware or Mr Hourigan is aware. I have that index for you this morning and I'm going to ask that you receive the index as the next exhibit. I should point out, this is not an index of transcripts prepared by us; this is an index of the transcripts that we received. So if I could ask that that index be received as the next exhibit.

Mr Chairman, in my view there's no magic to the order in which you receive these, so perhaps I can just do it in the order in which they are sitting here on the desk.

The next is a transcript of the discussion between Trinh Luu and Dr Tang on June 19th, as prepared by other than our offices, as provided to our offices.

Interjection.

Ms Cronk: It says June 19th, the transcript provided to us.

The next is the transcript of the discussion between Ms Trinh Luu and Marc Collins, as provided to us. That's June the second.

The next is a transcript of the June second discussion as prepared by our offices. That's Marc Collins and Trinh Luu.

Interjection.

Ms Cronk: Is that exhibit 10?

Interjection.

Ms Cronk: You think I'm at 10? You think I'm at 10. Okay.

The next is the transcript of the discussion between Karen Ridley and Sharron Pretty on May 12, 1994, the version originally provided to us.

The next is a transcript of the same discussion as prepared by our offices, and I should indicate, Mr Chairman, that there is some underlining on it. It's mine. I apologize for that. It was made on our only copy before the photocopy.

Then with respect to the transcripts as exhibit 13, the transcript of the discussion between Sharron Pretty and Sue Lott on May 19, 1994, as originally provided to us. I think that's exhibit 13.

1010

What we did, Mr Chair and members of the committee, is we wrote the initials FCG in the corner to distinguish these transcripts for you so that you'd know which ones we prepared and which ones had been provided to us.

Finally, Mr Chair, I'm going to ask the committee to receive as exhibit 14 a bundle of documents received by Mr Hourigan and myself yesterday evening from the Ministry of Housing related to matters at issue.

Mr Murphy: I'm sorry, can you repeat that please?

Ms Cronk: I'm going to ask that you receive as exhibit 14 a bundle of documents received by us yesterday from the Ministry of Housing. There are additional e-mail messages that we received yesterday.

Mr Callahan: Did that come by special delivery?

Ms Cronk: It came by e-mail. It's still undetected on my machine. I can assure you that, as a technopeasant, Mr Callahan, that's where they are.

Mrs Marland: I understand the transcripts, because we've already discussed that, and in the subcommittee at least, we understood that the tapes existed and the transcripts existed. Is this material from the Ministry of Housing material that you previously requested, and is it material that you have had time to review and are accepting now as evidence and relevant evidence?

Ms Cronk: To your first question, Ms Marland, I asked every party to this hearing—I don't mean party in the technical legal sense, but every potential source of documentation—pursuant to the direction of the subcommittee, you may recall, to provide a list of all documents that they had that in any way arguably were related to the investigation and hearing. All have done that.

There have been continuing and ongoing efforts by all to provide that documentation—that includes the Ministry of Housing—and these are as I understand it additional documents which only recently came to their attention and I take it were immediately provided to me. Some of what's in the bundle—they're hard copy production of e-mails that may well have been electronically recorded. I don't know the background of this, Ms Marland. All I can tell you is that of the bundle, some of them are already before you in the exhibit, some are not, some are new that I hadn't seen, but I have read them, and I think a couple of them are relevant. I'm providing them all to you because they relate to the relevant time period.

I should say that in respect of each potential source of documents, including the Ministry of Housing, I have asked again for confirmation that all relevant documentation has been provided to me, and before I complete calling witnesses, I will either have received that confirmation from everyone or you will know about it.

Mrs Marland: Thank you. Mr Chairman, I think it's appropriate, since it's probably inferred by my question that there's some criticism about this material coming late, and possibly that's a correct inference on my part, I would like you to know, Mr Chair, that the late filing of the handwritten notes of my executive assistant, Mora Thompson, on Monday was only as a result of the fact that we were only asked for those notes on Monday. As soon as Mora Thompson was asked did she have any handwritten notes of her meeting with Ms Luu, Ms Thompson said yes and produced them immediately, even to the extent that she didn't have time to type them for the committee and gave them in her original handwritten form. So I just place that on the record in case there is a question arising about other late evidence being filed.

Mr Stephen Owens (Scarborough Centre): I'd just like to ask a question with respect to Ms Marland's continued representation of her staff person, as a member of the committee.

Interjection.

The Chair: Mr Murphy, Mr Owens has the floor. Go ahead.

Mr Owens: I'm simply asking whether or not it is the view of counsel that this representation of a staff person, and almost as leading some sort of testimony as to what this staff person would say, is appropriate for this committee as a member.

Ms Cronk: I think what I can best reply to that, Mr Owens, is I don't understand Ms Marland to be explaining or offering any explanation as to what Ms Thompson does or does not know. What she just indicated was the reason for timing of the delivery of documentation to me, and where there's some issue about that, I welcome the clarification from anyone.

I can tell you also that as committee counsel we have interviewed Mora Thompson and I don't see an issue over this. You have the paper in front of you.

Mr Owens: Perception is reality.

Ms Cronk: For some people it is.

Mr Owens: Mm-hmm, as we've heard.

Mr Robert Stupart: Mr Chairman, with respect to the e-mails which were recently provided from the Ministry of Housing, the reason for the late delivery was that it was a lengthy process to retrieve these e-mails electronically. They were in storage offsite, and I'm told that there were 140 hours of time required to retrieve them and that staff worked over the long weekend to accomplish this, that there were up to 4,000 messages a month, I think, on any individual receiver's line and a lot of work involved.

The Chair: Okay, thank you.

Ms Cronk: At last, Mr Sutherland. Mr Sutherland, because of the break last evening and, in addition, my opportunity to review some of the e-mail messages that have now been marked as exhibit 14, I'd like to back up in time a bit if we could.

Mr Brian Sutherland: All right.

Ms Cronk: You remember that late last evening we had begun to—

Mrs Marland: Excuse me, Ms Cronk. One other point, Mr Chair. I was waiting till Ms Cronk had finished filing the materials.

At the beginning of this morning's meeting, you read into the record the minutes of a subcommittee meeting that took place last night, and under item 4 of that subcommittee report it says:

"It was moved by Mr Chiarelli,

"That, if an extra sitting day is not forthcoming, that the testimony of Ms Gigantes commence prior to 12 noon on August 11, 1994. (The Liberals and Progressive Conservatives voting in favour and the New Democratic Party voting against, pursuant to the terms of reference of the House dated June 23, 1994, this matter will be referred to the House leaders.)"

Mr Chair, I'm advising you as a member of the subcommittee that as the Progressive Conservative that's reported here as voting in favour, that in view of the subcommittee meeting that took place this morning, I am now withdrawing my support for this part of this motion of the subcommittee last night, and I want it on the record because the subcommittee report was on the record.

The Chair: But this report was deemed accurate when I read it in for the record, and I think that—

Mrs Marland: I'm not saying it isn't accurate.

The Chair: —the next meeting that we have at noonhour, you can reverse your stand on that.

Mrs Marland: Excuse me. I did reverse my stand at the subcommittee meeting this morning at 9 o'clock.

The Chair: This morning. Yes, you did.

Mrs Marland: I'm only doing it on the record. I'm not saying it's not accurate. It is accurate, but because it was read into the record this morning of this meeting, I'm formally notifying the committee on the record in this meeting that I am now withdrawing my support for item 4 of this report of August the ninth.

The Chair: Okay. Thank you, Ms Marland.

Mr Chiarelli: Mr Chair, I concur and I withdraw my support for that item 4 as well. Thank you.

Mr Kimble Sutherland: Mr Chair, given that there's so much concern about the time for testimony, is it now appropriate that we can start hearing some testimony?

The Chair: Yes, Mr Sutherland. Ms Cronk.

BRIAN SUTHERLAND

Ms Cronk: Mr Sutherland, may I take you back, then, in time to events before the June 17th meeting, and we will come back again, because I, as you might anticipate, have some further questions about it.

Mr Brian Sutherland: Okay. Mm-hmm.

Ms Cronk: But just a couple of follow-up items, if I might. Could you look at volume 2 of exhibit 1, at tab 18. Just to put this in a context for you, Mr Sutherland, because this is an aspect of the chronology of events about which the committee has not heard in evidence before, you'll remember that we spoke about a letter dated October 29, 1993, sent by Sharron Pretty to Evelyn Gigantes, and as well about the response that was forth-

coming to that letter from the minister, which was dated April 25th, 1994. You recall that sequence of events?

Mr Brian Sutherland: Yes, I do.

1020

Mr Kimble Sutherland: I'm sorry. Could you repeat again what tab and volume?

Ms Cronk: Yes, it's volume 2 of exhibit 1, tab 18, and we're talking about an issue related to—the October 29th letter from Sharron Pretty to the minister—

Mr Kimble Sutherland: I'm sorry to interrupt.

Ms Cronk: That's all right—and the response that I believe you and I at least mentioned yesterday during the course of our discussion.

Mr Brian Sutherland: Yes, we did.

Ms Cronk: The document at tab 18, Mr Sutherland, is dated January the 11th, 1994, and it appears to be a draft of a response to Sharron Pretty. You'll see that the word "Draft" is written on the top.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: It is unsigned. We have heard from Ms Pretty in her evidence that she did not in fact receive a reply until shortly after the date of the April 25th letter. I think her evidence was that she received it on April 28th, 1994. In fact, we saw the envelope in which it was received and it had a mailing stamp on it of April 26th. Do you know who prepared this draft?

Mr Brian Sutherland: This draft would have likely been prepared by Bill Clement in my office.

Ms Cronk: All right. To your knowledge, is there any reason of which you are aware as to why it was not finalized and sent at a date earlier than April of 1994?

Mr Brian Sutherland: My understanding is that we didn't receive the letter itself until early January. Typically, it's our practice to turn these things around fairly quickly. My sense would have been that we would have prepared this draft and it would have been directed up to the ministry for usual processing.

Ms Cronk: I'm sorry; I put the question badly. The draft having been prepared, it's dated January the 11th.

Mr Brian Sutherland: Yes.

Ms Cronk: Do you know why no reply was forthcoming until April 25th?

Mr Brian Sutherland: Not particularly, no.

Ms Cronk: Well, at all?

Mr Brian Sutherland: Well, I sensed that the draft was not acceptable.

Ms Cronk: Well, do you know that, Mr Sutherland? I'm just asking you if you have any personal information about it. I understand that you're trying to assist me in answering the question, but if you don't, please just tell me you don't. Do you know why an answer didn't go to Ms Pretty before the 25th of April?

Mr Brian Sutherland: No, I don't.

Ms Cronk: Thank you. Could I ask you to look at tab 29 of the—sorry, it's a different volume, it's exhibit 2. You'll remember we have different volumes.

Interjection.

Ms Cronk: Sorry, it's exhibit 2. There's only one volume—exhibit 2, tab 29. Just to go back on a couple of unrelated issues in the chronology, at this tab, as you will see, there is a fax that appears to be from Sue Lott to Marc Collins, dated January 27, 1994, and the handwritten note suggests that Ms Lott was sending to Mr Collins some correspondence that had been received at the constituency office. She indicates that she would be showing it to Evelyn, the minister, but that she was passing it on to Marc Collins and she, Ms Lott, indicates that she'd be interested in seeing what communication had been sent to the various tenants who had written the minister about these matters.

Attached to it is documentation from Mr Michael Séguin, who has been described in evidence as another tenant at the Van Lang Centre, and it includes a letter from him, dated January 18, 1994, to the Van Lang tenants association, that appears to have been copied both to the minister and to yourself, looking at page 2. Can you tell the committee, do you recall seeing the Séguin correspondence?

Mr Brian Sutherland: I do recall seeing it, yes.

Ms Cronk: And would it be fair to suggest to you that Mr Séguin in this letter, although directed to the tenants association as distinct from the board of the Van Lang Centre, was raising certain concerns, not only about association-related matters but about the centre?

Mr Brian Sutherland: Yes, he was.

Ms Cronk: Did you, over the course of the fall of 1993 and spring of 1994, become aware of correspondence from Mr Séguin, either to the minister and copied to your offices or to one or more of the individuals reporting to you expressing concerns with respect to the Van Lang Centre?

Mr Brian Sutherland: Yes, I recall this letter specifically.

Ms Cronk: Do you recall others?

Mr Brian Sutherland: I recall this one. I really can't recall other correspondence.

Ms Cronk: I suppose what I'm getting at by that question, Mr Sutherland, is that we know of course that Ms Luu, as the second property manager at the centre and then ultimately as a former employee, and clearly Ms Sharron Pretty, wrote a number of letters to a number of people expressing concerns, and I'm suggesting to you that they were concerns expressed by another tenant as well, Mr Séguin. Can you confirm that?

Mr Brian Sutherland: Mm-hmm, that's correct.

Ms Cronk: Now, yesterday when we were discussing events leading up to the meeting of June 17th, 1994, I had asked you a number of questions concerning when you personally had learned or come into information about the charges initiated by Sharron Pretty under the Corporations Act. Your evidence yesterday, as I understood it, was that your best recollection was that you learned of that after publication of the James Wallace articles on June first, 1994, in the press. Do you recall that?

Mr Brian Sutherland: That's right.

Ms Cronk: I asked you as well, when we were reviewing the chronology of what had occurred and your own involvement or awareness of it, whether you had received any communications during the months of April and May of 1994 from representatives of the minister's office, whether in Toronto or the constituency office, relating to the Van Lang Centre or to a proposed meeting with Sharron Pretty or Trinh Luu. Do you recall that?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: You indicated to me in your evidence yesterday that, based on what you could recall, you did not think that you had. Do you remember that?

Mr Brian Sutherland: That's right.

Ms Cronk: Now, based on the e-mail messages that have been marked this morning as exhibit 14, I'd like to revisit that issue, if I could. I think in the package that you and the committee members have, which has been numbered—and mine is in a little different order; again, it was a photocopying glitch—could I ask you to go to what I think is page 2 in your documents. That should be, if you have the right one, an e-mail message from David Clarke to yourself and to Steve Shapiro dated Tuesday, May 17, 1994, at 8:22 am. Do you have that?

Mr Brian Sutherland: I have it.

Ms Cronk: Is that page 2 in the bundle that you have, could I know?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: First of all, who is Mr David Clarke?

Mr Brian Sutherland: Mr David Clarke is the executive assistant to the assistant deputy minister of housing operations.

Ms Cronk: In Toronto?

Mr Brian Sutherland: In Toronto.

Ms Cronk: Had you dealt with Mr Clarke in the past on housing related matters?

Mr Brian Sutherland: Yes, I have.

Ms Cronk: With this now in front of you, Mr Sutherland, do you recall receiving this e-mail message from Mr Clarke?

Mr Brian Sutherland: I do not recall receiving it specifically. It was dually addressed to Steve Shapiro and myself, so it's quite possible that it could have been dealt with directly by Steve. I just don't recollect the e-mail.

Ms Cronk: Do you recall the information in it?

Mr Brian Sutherland: I recall having some discussion about—at this time, we were updating a number of briefing notes, and this leads me to believe that there was some communication on it, and I may have talked to Mr Clement about this e-mail. I just can't recall specifically the point of the discussion.

Ms Cronk: All right. Looking at the contents of the e-mail, in the first paragraph, as I read it, your offices were being requested to send a copy to the minister's office in Toronto of the compliance review on the Van Lang project because the minister's office had been chasing David Clarke for it.

Mr Brian Sutherland: That's right.

Ms Cronk: The word "chasing" appears in the e-mail;

that's not mine.

Mr Brian Sutherland: Yes.

Ms Cronk: In fairness, if we went back through a number of the communications in the spring of 1994, and please indicate to me if you are not in a position to confirm this yourself, but it does appear that there was an effort to obtain a copy of the compliance review over some time in the spring. There were repeated requests to get a copy of it.

Mr Brian Sutherland: Yes, that would be true.

Ms Cronk: Specifically during the spring, can you confirm that the minister had indicated that she wished to review a copy of the compliance review and had asked her Toronto staff to get it for her and to provide it to her?

Mr Brian Sutherland: Yes.

Ms Cronk: Then secondly, looking at the second paragraph, it reads, "They are now also telling me that the rift on the board is widening and will soon end up as a court case (Sharron Pretty taking them to court?)."

Stopping there for a moment, first of all, you recall yesterday, Mr Sutherland, that I suggested to you, and I believe you confirmed for the committee, that there was considerable acrimony and antagonism at the board level on the Van Lang Centre for what I would describe as a great many months. Is that fair?

Mr Brian Sutherland: That's correct.

Ms Cronk: You'll remember that we looked specifically at certain of the contents of a number of background notes that confirmed that, dating from early in 1994; my recollection is as early as the briefing background note of February the 14th.

Mr Brian Sutherland: That's correct.

1030

Ms Cronk: You'd indicated to the committee that you, based on your own attendance at the December 30th board meeting and your own observance at it, could personally confirm that.

Mr Brian Sutherland: That's true.

Ms Cronk: As I recall your evidence—please tell me if I'm not stating it correctly—that situation, you agreed, persisted through until the month of May 1994.

Mr Brian Sutherland: That's correct.

Ms Cronk: Looking at this paragraph, it appears that Mr Clarke was informing Mr Shapiro and yourself that he was being told by the minister's office—I take that to be the minister's office in Toronto—that the rift on the board was widening.

Mr Brian Sutherland: That's what it implies, yes.

Ms Cronk: It suggests, does it not, that the problems were getting worse?

Mr Brian Sutherland: Yes.

Ms Cronk: And then it goes on to say that "the rift on the board is widening and will soon end up as a court case," and then there's a query as to whether Sharron Pretty was taking them to court. That suggests to me, to put it to you bluntly, Mr Sutherland, that there was information available at the minister's office, at least to some, that Mr Clarke was relaying to you and to Mr

Shapiro that there was a possibility of court proceedings here, specifically potentially involving Sharron Pretty. Is that fair?

Mr Brian Sutherland: That's correct.

Ms Cronk: And that that information, whatever its source, suggested that Sharron Pretty might be taking them, the board, to court. Is that a fair reading of this paragraph?

Mr Brian Sutherland: Yes, it would be.

Ms Cronk: Do you have any knowledge of a discussion on or about May the 12th, 1994, between Sharron Pretty and a representative of the minister's office in Toronto when this matter was discussed? Do you have any knowledge yourself of that?

Mr Brian Sutherland: No, I do not.

Ms Cronk: Would I be correct in assuming that an e-mail of this kind directed to your attention, and Mr Shapiro, that even if you don't remember it today—and I can certainly understand how one potentially doesn't remember an e-mail, out of hundreds that you get—but you would have gotten it, if it was addressed to you as an e-mail?

Mr Brian Sutherland: Yes. Yes, I would've.

Ms Cronk: Would it be fair of me, then, to suggest to you that at least by May the 17th, 1994, you had some information available to you, first that the situation of conflict on the board of the Van Lang Centre, from the perspective of the minister's office in Toronto, was potentially getting worse?

Mr Brian Sutherland: Yes.

Ms Cronk: And secondly that there might be a court case initiated by Sharron Pretty against the board?

Mr Brian Sutherland: Yes. According to this e-mail, yes.

Ms Cronk: And may we fairly conclude from that, and please tell me if you don't think we can, but may we fairly conclude from that then that prior to the Wallace articles of June the first you had some information available to you suggesting it might be heading in that direction?

Mr Brian Sutherland: In a very general sense, yes.

Ms Cronk: General as described here. There's no further detail provided.

Mr Brian Sutherland: That's right.

Ms Cronk: But you did know, based on this e-mail, and Mr Shapiro, who would have received a copy of the e-mail, I take it, as well—

Mr Brian Sutherland: That's correct.

Ms Cronk: —did know that there was at least a question as to whether Sharron Pretty would be taking them to court, ie, initiating proceedings?

Mr Brian Sutherland: That's correct.

Ms Cronk: And that it might involve the board.

Mr Brian Sutherland: Yes.

Ms Cronk: Okay. Do you now remember, with the benefit of having this e-mail in front of you, whether you had any discussions with anyone with the minister's

offices in Toronto or anyone connected with her staff in Toronto about this issue prior to the Wallace articles?

Mr Brian Sutherland: I do not remember discussing this matter with anyone in Toronto on the minister's staff, no.

Ms Cronk: And do you now remember, again with the benefit of this e-mail in front of you, whether you were aware or anyone suggested to you in May 1994 that a meeting with Ms Pretty or Ms Luu or the board was being considered by the minister?

Mr Brian Sutherland: My memory is not specific on this, but something tells me that Mr Clement and I had a discussion about this, and as we were unable to identify another option in terms of dealing with this situation, we did discuss the possibility of a meeting.

Ms Cronk: The reason I ask you that, of course, is because you confirmed for me yesterday that your offices had advised against a meeting—

Mr Brian Sutherland: Yes, we did.

Ms Cronk: —with Sharron Pretty and Trinh Luu when the March 4th request came in.

Mr Brian Sutherland: That's right.

Ms Cronk: Did your advice in that regard change at any point during the spring?

Mr Brian Sutherland: My sense is that upon discussing this, and perhaps based on Mr Clement's discussions with others, we changed our advice on or about May 18th, in a briefing note that we produced, an updated briefing note.

Ms Cronk: Are you saying it was as a result of this, the e-mail, or the—

Mr Brian Sutherland: I can't say it was a result of this specifically, but obviously there was some discussion that Mr Clement had had with me and others and we agreed that if this were to be helpful, you know, a meeting could be arranged wherein I could attend, and the minister.

Ms Cronk: Could I ask you then to go back to look at the May 18th background note? It's in exhibit 1, volume 2, at tab 46. Just again, to put it in the context, Mr Sutherland, because there's a great of paper before the committee, my understanding is, based on the documents available to the committee, that the next closest in time background note on the Van Lang matters to this one was the February 14th background note, and that there was not such a background note in the month of March or April. Can you confirm that for me or do you know?

Mr Brian Sutherland: I can't say for sure, but that would probably be correct.

Ms Cronk: Just to make available to you the February 14th one then, if you look at tab 22, the same volume, that's where the February 14, 1994, background note is contained.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: This, of course, would have been written at a time when the request from the board of directors of the Van Lang Centre had been received for a meeting, but not—but prior to the March 4th request by Sharron

Pretty and Trinh Luu for a meeting.

Mr Brian Sutherland: That's correct.

Ms Cronk: All right. Then we come forward to May 18th, and under "Action Required," there is a recommendation there in paragraph 2 that "The minister, together with the regional manager and other staff, meet with all Van Lang Centre board members to assist in resolving the present internal strife and respond to the concerns of all parties involved." Do you see that?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: All right. Should we take from that then that the advice of your offices changed at that point, and you were now recommending a meeting by the minister, a meeting which you would attend as regional manager and other staff with all of the Van Lang Centre board members?

Mr Brian Sutherland: And that's true.

Ms Cronk: Including Sharron Pretty.

Mr Brian Sutherland: Yes.

Ms Cronk: All right. Looking back on it now and with the benefit of the Clarke e-mail to you of May 17th, can you indicate to the committee why the advice of your offices changed at this particular point? Why were you now recommending a meeting?

Mr Brian Sutherland: Well, again, I was not directly involved. My sense is that there was some encouragement for us to be able to do something, and in any communication from the Toronto office to us, or with Mr Clement, this was thought to be an option that we should put on the table.

Ms Cronk: And as expressed in the background note, it was more than an option, wasn't it? It was a recommendation.

Mr Brian Sutherland: Yes.

Ms Cronk: It was listed as required action.

Mr Brian Sutherland: Yes.

Ms Cronk: All right. And was it because of the information that you'd received from David Clarke, namely that the rift on the board—that some thought, "some" meaning people in the minister's office according to the Clarke memo, that the rift on the board may be widening and that there might be a court case initiated by Sharron Pretty?

Mr Brian Sutherland: That's probably the case. I just can't recall the specifics of our discussion, but that probably is true.

Ms Cronk: It certainly looks that way, doesn't it?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: Okay. So at that point, your background note goes forward, I assume, to the minister's office?

Mr Brian Sutherland: It would go up through the information liaison service, and then on to the minister's office, yes.

Ms Cronk: And were you involved in preparation of the background note?

Mr Brian Sutherland: I was not involved in preparation of it, but I obviously—and remember discussing it at least in a limited way with Mr Clement.

Ms Cronk: Okay. Looking again at the e-mail from Mr Clarke, the May 17th e-mail, Mr Sutherland, could you look at paragraph 3, which indicates that, "The minister's office is concerned that our briefing notes continue to say that everything is under control, but they keep hearing things to the opposite from their own contacts." Stopping there for a moment, that, I take it, was an expression of concern coming from Toronto to your offices that—and please tell me if this is an unfair interpretation in any way, but it appears to me to be suggesting they didn't quite understand why the briefing notes were saying things are in hand and the ministry's done everything possible, if in fact the rift on the board was widening, and they were getting information suggesting that wasn't quite so.

Mr Brian Sutherland: That's the way we read it, I believe.

Ms Cronk: What action, if any, did you take as a result of receiving—with respect to that aspect of the matter—this e-mail from Mr Clarke? Is that what generated the May 18th background note?

Mr Brian Sutherland: Well, again, I think my involvement in the preparation of an updated background note was minimal. But obviously we would have thought about the request and looked at the last briefing note and attempted to identify another option, and if I my recollection is correct, I do recall discussing the possibility of there being a meeting with Mr Clement.

1040

Ms Cronk: Okay. And that discussion, we've seen, led to the recommendation of a meeting by the ministry?

Mr Brian Sutherland: Yes.

Ms Cronk: That's contained in your background note?

Mr Brian Sutherland: Yes.

Ms Cronk: What I'm trying to get at, and I'm doing it perhaps badly this morning, Mr Sutherland, is just I'm trying to understand what was in your mind, given the position you held with the Ministry of Housing in Ottawa, when you got this information from David Clarke, and we've seen that a recommendation goes forward that a meeting should take place. You've told me that that probably, looking back on it, was as a result of getting this information that there was a concern in the minister's office that the rift on the board may be widening and that there might be a court case initiated by Sharron Pretty. And was there an effort in this background note of May 18th to take a fresh look at what the actual situation was and to inform Toronto about what was going on, what the real situation was?

Mr Brian Sutherland: Well, I thought we felt we had things in control and I think we also realized that, you know, maybe there's another way of dealing with this and maybe we should be more creative in our suggestions, and as a consequence recommended such a meeting.

Ms Cronk: Was there any effort on your part or did you instruct your staff to try to get any more information about this possibility of a court case by Sharron Pretty?

Mr Brian Sutherland: It may have been at that time

that the court matters came to my attention and I asked Mr Clement to clarify, to the extent he could, what the charges were all about. I certainly didn't know anything specific about them.

Ms Cronk: All right. And I understand what you're saying, because in David Clarke's e-mail, first of all, it's not the court matter—you're saying an actual court case may have come to your attention at that time?

Mr Brian Sutherland: I wasn't clear, really, on the matter.

Ms Cronk: Okay. Do you remember—and please tell me if you do not. But do you remember either yourself or instructing your staff, once you got the e-mail from Clarke, to check into this and to find out if there was a court case either existing or in progress by Sharron Pretty against the board? Did you take any action on that aspect of the matter that you remember now?

Mr Brian Sutherland: I recall discussing the matter with Mr Clement, and frankly I wasn't sure whether it related to the action taken against the first administrator or what. I simply—I recall some very brief discussion but I can't recall specifically what the content was of it.

Ms Cronk: Okay. And should I take from that, then, that you can't recall any instructions that you might have given him, if any, in that regard?

Mr Brian Sutherland: No.

Ms Cronk: And again, in the context of information available to you in the months of April and May 1994—I apologize. I don't know what page this is in your—in exhibit 14, the e-mail package. I don't know what page it is, but it's an e-mail from David Clarke to Steve Shapiro dated Tuesday, April 26, 1994, at 8:07 am.

Mr Brian Sutherland: April 26?

Ms Cronk: April 26 at 8:07 am. Do you have that?

Interjection.

Ms Cronk: It's to Steven Shapiro of your offices from David Clarke. I'm sorry, I just can't help you where in the bundle it is.

Mr Brian Sutherland: No, I'm missing something here.

Interjection.

Ms Cronk: If you just give me a minute, I'll be able to tell you.

Interjection: Page 9.

Mr Brian Sutherland: Here we are. I have it.

Ms Cronk: You have it? Thank you very much. If you look at this e-mail, Mr Sutherland, would I be interpreting it correctly if I suggested to you that Mr Shapiro was being informed at that point in time that a meeting with representatives of the Van Lang Centre involving the minister and Marc Collins was to occur in the near future?

Mr Brian Sutherland: That's correct.

Ms Cronk: And that it included a request that the minister wanted to see a copy of the compliance review prior to that meeting?

Mr Brian Sutherland: That's true.

Ms Cronk: All right. So that when I asked you

yesterday whether you had any information available to you in the month of April about a meeting with the Van Lang group from the minister's office and you indicated that you thought not, you didn't have this e-mail in front of you, in fairness, and I take it that any information that Shapiro got about it at that time would have been relayed to you?

Mr Brian Sutherland: Yes.

Ms Cronk: All right. So towards the end of April, April 26th, it appeared that a meeting was certainly under discussion, and this e-mail would suggest that a meeting was going to take place with this group involving the minister and Marc Collins?

Mr Brian Sutherland: Yes, it would.

Ms Cronk: All right. And the significance of that perhaps is that this is April 26th and the committee has heard that the informations were sworn by Sharron Pretty on April 25th and it appears that a meeting was either under consideration at that point by the minister's office or in fact a decision may have already been made to meet. Is that a fair conclusion, given the timing?

Mr Brian Sutherland: It's a fair conclusion, yes.

Ms Cronk: It also suggests that a representative of your offices was to attend that meeting?

Mr Brian Sutherland: Yes.

Ms Cronk: And they're still chasing the compliance review; is that fair?

Mr Brian Sutherland: Yes.

Ms Cronk: I've adopted the verb. It looks like they still want a copy.

Mr Murphy: Counsel, when you put to the witness that the decision may already have been taken to have a meeting, I assume you mean the decision may have already been taken by the minister and the minister's office?

Ms Cronk: I'm sorry, that was implicit in my question, if that wasn't clear. Did you understand—

Mr Brian Sutherland: I understood that, yes.

Mr Murphy: As opposed to the ministry officials.

Ms Cronk: Yes.

Mr Murphy: Okay.

Ms Cronk: Thank you. And then, if we could go to volume 3 of exhibit 1, tab 79. We are coming back to the June 17th meeting, Mr Sutherland.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: I don't believe I drew your attention to this document yesterday and I should have done so. This is a fax dated June 16th, 1994, from Patti Redmond, apparently to your attention, relating to the Van Lang Centre, and it indicated in handwriting at the bottom of the page that "Shirley Hoy asked" the author—that is, Patti Redmond—"to send this"—meaning the attachments—to your attention. Am I reading that correctly?

Mr Brian Sutherland: Yes, you are.

Ms Cronk: Can you just remind me again who Shirley Hoy is?

Mr Brian Sutherland: Shirley Hoy is the assistant

deputy minister of housing operations in Toronto.

Ms Cronk: And who is Miss Patti Redmond?

Mr Brian Sutherland: Miss Patti Redmond is the executive assistant to the Deputy Minister of Housing.

Ms Cronk: All right. So just to put this again in a context, we've seen that on June the 15th a background note was prepared with respect to the Van Lang Centre, and you and I discussed that yesterday. It's at the immediately preceding tab, if you want to take a look at it. On June 15th your offices are preparing the background note.

Mr Brian Sutherland: That's right.

Ms Cronk: And that specifically included information concerning the nature of the pending charges, their status in court, the fact that a crown attorney was involved and that there was a pending motion to remove Sharron Pretty as a director. Do you recall that?

Mr Brian Sutherland: That is correct.

Ms Cronk: All right. And then, on the following day, June 16th, this information comes to you from Patti Redmond and it includes a memorandum which contains further information about the court application; that is, the court proceedings initiated by Miss Pretty.

Mr Brian Sutherland: Yes.

Ms Cronk: And that's set out in the attached memorandum dated June 16, 1994, to Patricia Redmond from Andrea Baston, an acting senior solicitor in the legal services branch?

Mr Brian Sutherland: That's correct.

Ms Cronk: It appears that information had been sought with respect to the court proceedings and their status and it was being provided to you in advance of the meeting of June 17th.

Mr Brian Sutherland: That's correct.

Ms Cronk: And the memorandum specifically indicates that information had been obtained by the author "that six board members had been charged with" alleged offences and that an adjournment would be sought on June 16th, an appearance date in court. Is that fair?

Mr Brian Sutherland: That's correct.

Ms Cronk: All right. So with that information in hand, that is, the information that you received and had to prepare the background note on June 15th, this information from Patti Redmond on June 16th, would it be fair of me to say that going into the meeting on June 17th, you had available to you details with respect to the fact of the charges, that they existed? Am I right so far?

Mr Brian Sutherland: Yes, you're right.

Ms Cronk: As to who they involved?

Mr Brian Sutherland: Yes.

Ms Cronk: As to the nature of the allegations?

Mr Brian Sutherland: Yes.

Ms Cronk: As to the fact that there was a court appearance on June 16th when an adjournment had been sought?

Mr Brian Sutherland: Yes.

Ms Cronk: As to the possible penalties involved?

Mr Brian Sutherland: Yes.

Ms Cronk: That's set out in Ms Baston's memo. And, in addition, as to the pending motion by the board of Van Lang to remove Miss Pretty as a director?

Mr Brian Sutherland: Yes.

Ms Cronk: So you knew all that.

Mr Brian Sutherland: Yes, I did.

Ms Cronk: Okay. You told me yesterday that you did not speak, yourself, with the minister prior to commencement of that June 17th meeting.

Mr Brian Sutherland: No, I did not.

Ms Cronk: All right. But I believe you also said, and I just wanted to confirm this so that again it's fresh today in our discussion, that that background note of June 15th containing much of that information—not all of it but much of it—would have gone to the minister.

Mr Brian Sutherland: That's my understanding, yes.
1050

Ms Cronk: Okay. And then coming then to the events of June 17th, I had asked you who was at the meeting and a number of questions relating to the commencement of the meeting, what happened at its outset and you had described some of that to me. Can you now please, Mr Sutherland—and please feel free if it would be helpful to you to look at your handwritten notes and your daybook entry—but could you outline for the committee, please, what you remember being discussed at that meeting in the order in which you remember it being discussed?

Mr Brian Sutherland: Yes, I will. I'd like to refer to notes I prepared somewhat after the meeting, but they will help me recollect.

Ms Cronk: All right. Then let's talk about those for a minute if those are the notes you mean. Can you go to tab 103, please, of exhibit 1, volume 3? We looked yesterday at some handwritten notes that you'd prepared during the course of the meeting, jottings that you'd made in your daybook.

Mr Brian Sutherland: That's right.

Ms Cronk: I keep calling it a daybook. You had an appointment book with you. Is that what you were using?

Mr Brian Sutherland: Yes.

Ms Cronk: And then at tab 103, there's a further document entitled "Notes on the June 17, 1994 Meeting with Van Lang Board of Directors." Are these your notes?

Mr Brian Sutherland: Yes, they are.

Ms Cronk: When were they prepared?

Mr Brian Sutherland: They were prepared around July 12th or 13th—13th or 14th.

Ms Cronk: Why were they prepared at that time?

Mr Brian Sutherland: I had been meaning to reflect on the meeting and prepare something more substantive earlier but frankly had not found the time or the quietness to do that, and that was the first opportunity I had.

Ms Cronk: What was the purpose of their preparation?

Mr Brian Sutherland: As I was aware of what had

happened following the meeting, I wanted to be sure that I recollected, to the best of my ability, what actually happened there and felt I should commit something to paper.

Ms Cronk: Were you asked to do that, or did you do it on your own initiative?

Mr Brian Sutherland: I did it on my own.

Ms Cronk: And how did you go about doing it? What did you have available to you at the time?

Mr Brian Sutherland: I frankly just sat in front of the computer one evening, the evening of the 13th, I believe, and just sat there and tried to reflect on the meeting and the order of events.

Ms Cronk: These notes are three pages of typewritten notes and they're styled, without being called it, sort of in the format of a background note.

Mr Brian Sutherland: Yes.

Ms Cronk: It's not called that, but it has that same format approach on page 3 at the bottom.

Mr Brian Sutherland: Yes.

Ms Cronk: Were you preparing it with the intention that it be provided to the minister's office in Toronto?

Mr Brian Sutherland: I was preparing it with the intention that it may be required by somebody, and if I can back up to your question earlier, I believe I had been asked earlier, between the 17th meeting and the date of preparation, to have some document related to my recollection of the meeting.

Ms Cronk: Who had asked you to do that?

Mr Brian Sutherland: I believe that had been asked through the assistant deputy minister's office.

Ms Cronk: Who specifically? Do you recall?

Mr Brian Sutherland: It was either Ms Hoy or her assistant, David Clarke.

Ms Cronk: What were they asking you to do? Just to set down your recollection?

Mr Brian Sutherland: They just wanted to make sure that I had an account of what had happened, to the best of my recollection, because I did make the point that I had only prepared very limited notes during the course of the meeting.

Ms Cronk: So if I understand what you've said when you prepared these notes, you did so in the knowledge that they might be required or used by others to gain an understanding of your recollection of what occurred.

Mr Brian Sutherland: Yes, but I wasn't certain of that.

Ms Cronk: All right. I ask you that again simply because of the approach taken on page 3 that it's styled in the format of background notes that we've seen were prepared over the course of time by your offices. Your name is provided, the branch, your phone number, your region. It suggests to me that you were going to send a copy to the minister's office after you'd prepared them.

Mr Brian Sutherland: No, I didn't have that intention. I was going to meet with senior staff at the ministry at a later date, and I wanted to be sure that I had something that would recount my recollection of the meeting.

In fact, I was unsure as to how or when or if such a document would be used.

Ms Cronk: Okay, I'm sorry. So that when you prepared them, there was a meeting already scheduled with senior staff of the minister's office. You knew that meeting was coming up?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: And when was that meeting scheduled to take place?

Mr Brian Sutherland: Now, I have to—Mr Stupart was there; I don't know if he remembers.

Ms Cronk: I'm afraid you can't ask him about that at this stage, but I might be able to help myself. If you—

Mr Harnick: One hundred.

Ms Cronk: Thank you, wherever that came from. Could I ask you to look at tab 100.

Mr Brian Sutherland: Brian Sutherland and Steve Shapiro?

Ms Cronk: Yes.

Mr Brian Sutherland: Okay.

Ms Cronk: Does that help you recall when the meeting was scheduled for, or is that something else? Were you at another meeting with senior members of ministry staff? You don't think that's it?

Mr Brian Sutherland: It says the week of—I'm just trying to recollect the exact date of the meeting.

Mrs Marland: I couldn't hear that answer.

Ms Cronk: Sorry; he said he was trying to look back on the exact date of the meeting. Could I ask you to look at tab 102. This may be of some assistance.

Mr Brian Sutherland: Yes.

Ms Cronk: It suggests that a meeting was going to take place consisting of yourself, Patti Redmond, Mr Stupart and Shirley—I take that to be Shirley Hoy—on Monday, July 18th.

Mr Brian Sutherland: That's correct.

Ms Cronk: Is that the meeting you're talking about?

Mr Brian Sutherland: That's the meeting I'm talking about.

Ms Cronk: So with the knowledge that that meeting was scheduled, you sat down and you prepared these notes that we see at tab 103.

Mr Brian Sutherland: That's correct.

Ms Cronk: When you prepared them, Mr Sutherland, recognizing that it was almost, but not quite, a month after the meeting had taken place, did you have any information or documentation available to you at the time you prepared these notes, other than your own jottings in your day book?

Mr Brian Sutherland: All I had was my own jottings. I relied on my memory.

Ms Cronk: Had you seen at that time, when you prepared these notes, the notes prepared by Audrey Moey in the course of the meeting?

Mr Brian Sutherland: No, I had not.

Ms Cronk: Had you seen notes prepared by anyone else during the course of the meeting?

Mr Brian Sutherland: No, I had not.

Ms Cronk: Did you have a memorandum or document of any kind from anyone else who had been at the meeting about what had occurred at it when you did it?

Mr Brian Sutherland: No, I did not.

Ms Cronk: When you prepared these notes, did you try to set out, to the best of your ability, all of the matters that you recalled being discussed at the meeting?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: Have you had—this may sound like a silly question—a chance recently, like, say, even in the last 24 hours, to refresh your memory by reading these again?

Mr Brian Sutherland: Yes.

Ms Cronk: That would be a fair question. Looking at them today, do they set out all that you remember now having been discussed at that meeting?

Mr Brian Sutherland: They set out to the best of my recollection most of what I heard at the meeting.

Ms Cronk: When you prepared these notes, how did you approach it in terms of deciding what to list when? Did you try to set it out in the sequence of matters as they were discussed or just as you remembered it?

Mr Brian Sutherland: I tried to go back to the meeting, when it commenced. I even believe I mentioned my late arrival or close-to-late arrival and simply tried to reconstruct things to the best of my ability.

Ms Cronk: After the notes were prepared, did you attend the meeting on the 18th with senior staff?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: Prior to attending that meeting, did you provide a copy of these notes to any of them?

Mr Brian Sutherland: I revealed my note at the meeting; I released my note to those in attendance.

Ms Cronk: So you gave them a copy?

Mr Brian Sutherland: Yes.

Ms Cronk: Do you know thereafter if copies were provided to anyone else who'd been at the meeting on June 17th? Did you, for example, give them to anybody else?

Mr Brian Sutherland: No, I didn't.

Ms Cronk: Do you know if they were distributed further, if anyone else received a copy who'd been at the meeting?

Mr Brian Sutherland: To my knowledge, they were not.

Ms Cronk: By that, do you mean you know they weren't, or are you saying you just don't know?

Mr Brian Sutherland: Well, we had a discussion about their usefulness and how they should be used. The advice I received at the time was that they needn't be part of the ministry's information package and that I should just keep them for my own reference.

Ms Cronk: So you did not, and as far as you know they weren't distributed any further, save to the people who were at that meeting.

Mr Brian Sutherland: That's correct.

1100

Ms Cronk: Could I direct your attention to the fourth paragraph of the notes, Mr Sutherland. First, in fairness, in the first paragraph you indicate where the meeting was and when it commenced—.

Mr Brian Sutherland: That's correct.

Ms Cronk: —and in the second paragraph those who were present at the meeting?

Mr Brian Sutherland: That's right.

Ms Cronk: And in the third paragraph it suggests, as you indicated yesterday in your evidence, that the minister made some opening remarks by thanking people for being in attendance?

Mr Brian Sutherland: That's correct.

Ms Cronk: And similarly that Dr Tang did so, made some opening remarks by thanking the minister for being there?

Mr Brian Sutherland: That's right.

Ms Cronk: And then if I could direct your attention to paragraph 4, does that reflect what you recalled as at July 15th about what the minister said in her introductory remarks?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: Can you confirm then, as suggested by the third line, the third sentence in that paragraph, that the minister acknowledged at the outset of the meeting, among other matters, that she was aware of "current legal steps that have been taken by Sharron Pretty to obtain specific information relating to the operation of the project?"

Mr Brian Sutherland: It may not have been in those words precisely, but there certainly was reference made to that. Yes.

Ms Cronk: And in the last sentence, is it correct that during her opening remarks she also acknowledged that she was aware of the meeting planned for June 19th with the intent of removing Sharron Pretty as a member of the board?

Mr Brian Sutherland: As I recall, yes.

Ms Cronk: Do you now recall the minister saying anything further at that point in the meeting on either of those topics?

Mr Brian Sutherland: No, I don't. I simply recall that was sort of background and the meeting opened up at that point.

Ms Cronk: And was there any discussion about either of those aspects? Did anybody raise any questions at that point in the meeting?

Mr Brian Sutherland: Not to my recollection.

Ms Cronk: At any point during the balance of the meeting, Mr Sutherland, do you recall further discussion by anyone about the charges then pending or the legal steps that Sharron Pretty had taken?

Mr Brian Sutherland: Well, I recall near the end of the meeting, after a discussion of a number of items that are contained in the note here, the minister asking Sharron Pretty whether the two major issues, what were the two major issues, at which Sharron responded, Ms

Pretty responded, that they were—or, pardon me, the minister asked whether the two principal issues were the access and tenant participation issues, which Ms Pretty thought about for a few moments and responded yes, they were. After that, it seems to me there was some discussion about, is it possible that—

Ms Cronk: I think you're going to have to move forward, Mr Sutherland; I'm having trouble hearing you.

Mr Brian Sutherland: Okay. After that there seemed to be some discussion about whether it was possible that the board could meet again to try to work out any differences related to these two matters.

Ms Cronk: Whose suggestion was that?

Mr Brian Sutherland: I believe it was the minister's.

Ms Cronk: Was that the first time that suggestion had been made?

Mr Brian Sutherland: So clearly, it seemed to me that was the first time, yes.

Ms Cronk: How long did this meeting last, from start to finish?

Mr Brian Sutherland: My recollection is that it lasted about an hour and a half.

Ms Cronk: How far into the meeting was it that this suggestion or inquiry by the minister of Ms Pretty as to what the two principal issues were came up?

Mr Brian Sutherland: Well, we were certainly winding down. It was not too long before the end of the meeting, to my recollection, perhaps 15 minutes.

Ms Cronk: And was it immediately thereafter that the minister raised the possibility of a further meeting? Was that the sequence?

Mr Brian Sutherland: That was the sequence, yes, and it seems to me that at that point Ms Pretty made an expression, or expressed herself in a way that she said, "Well, what about my issues?" To the best of my knowledge, I remember that statement being made, "What about my issues? What about the issues of importance to me?" at which the minister suggested that, "Why don't we take a fresh approach to resolution of the issues, you know, don't dwell on old issues that may not be so important today," or something to that effect. "Why not attempt to deal with the issues that are important to you today?"

Ms Cronk: What was said next?

Mr Brian Sutherland: I believe there was one expression wherein Ms Pretty said that, "I don't think I'm able to work with this board," or something to that effect.

Ms Cronk: How did that come up?

Mr Brian Sutherland: Well, I think that was part of her response to the notion of continuing on with the rest of the board. It seemed to me that she felt that this wouldn't necessarily be productive.

Ms Cronk: You've lost me, Mr Sutherland. What you told us was that the minister, about 15 minutes before the conclusion of the meeting, asked Ms Pretty what the two principal issues were from her point of view and whether they were tenant access and participation.

Mr Brian Sutherland: Yes.

Ms Cronk: And that Ms Pretty confirmed that they were. You then told us that the minister raised the possibility of a further meeting.

Mr Brian Sutherland: That's right.

Ms Cronk: I take it among the board, including Ms Pretty?

Mr Brian Sutherland: That's correct.

Ms Cronk: That was the intent. And you told me that that suggestion came from the minister.

Mr Brian Sutherland: That's right.

Ms Cronk: And then you indicated that the minister had said, "Well, what about the issues that are of importance to me?" and you indicated the minister replied by referring to a fresh approach being taken to resolve the issues and attempt to deal with the issues that were important today as opposed to in the past. You said nothing about the issue of Ms Pretty not continuing on the board. Did the issue of her status on the board come up at that point in the discussion?

Mr Brian Sutherland: There was some reference to her status, and I can't recall specifically how it came up, but I do recall her saying something to the effect that: "Why should I bother? I only have a month left anyway." I recall that now. It may not be in my notes, but I do recall that expression.

Ms Cronk: If I can back up then, there are two issues of particular importance for our discussion that the minister acknowledged at the outset of the meeting. That's in paragraph 4 of your notes. There are other matters as well, but the two of importance are first that she was aware of the outstanding legal action commenced by Sharron Pretty.

Mr Brian Sutherland: Yes.

Ms Cronk: And she was aware that there was a motion for removal.

Mr Brian Sutherland: Yes.

Ms Cronk: Are you saying to the committee that it was not until the meeting was almost over, about 15 minutes shy of it concluding, that there was any discussion of either of those issues again?

Mr Brian Sutherland: To my best recollection.

Ms Cronk: You don't remember anything about either removal of Ms Pretty as a director or about outstanding legal action or proceedings that had been taken by Sharron Pretty coming up again until the meeting was almost, as I say, just shy of 15 minutes of conclusion?

Mr Brian Sutherland: That's my recollection.

Ms Cronk: The committee has heard evidence from another witness that about 45 minutes into the meeting, the issue of Ms Pretty's intended removal from the board and the issue of the charges or legal proceedings then outstanding came up and that it consumed virtually, in one fashion or another, the entirety of the rest of the discussion, of the meeting. Is it your recollection that that did or did not occur in that way?

Mr Brian Sutherland: It's not my recollection. My sense was that we were dealing with other issues that

we'd talked about before until the issue arose near the end of the meeting.

Ms Cronk: At the end of the meeting, in the sequence that you are describing to me, what do you remember being said about the issue of Ms Pretty continuing on the board?

Mr Brian Sutherland: I don't recall a lot being said about it. I do recall Ms Pretty making the comment that: "What's the difference? I only have a month left to go." It seems to me that there was more emphasis placed on meeting again, and to that extent, I recall Dr Truong taking out his date book and Ms Pretty making some comment to the effect that meetings had not been conveniently held for her, that she had work or had other obligations at the time of the previous two or three meetings and there seemed to be some discussion about doing it in a convenient way, which seemed to be agreeable to Dr Truong.

Ms Cronk: In the context of the minister's suggestion for a further meeting, was there discussion of the pending legal charges against the members of the board initiated by Ms Pretty?

Mr Brian Sutherland: I can't recall that being a point of specific discussion.

1110

Ms Cronk: Was there, in the context of proposing this further meeting, discussion of actions proposed by Ms Pretty or undertaken by Ms Pretty or legal proceedings? Was there any reference to any of that?

Mr Brian Sutherland: There seemed to be some discussion about the meeting that had been scheduled for the 19th to remove Ms Pretty, and whether—

Ms Cronk: Sorry to interrupt. My question was directed to actions by Ms Pretty, or legal proceedings, as distinct from the removal, which was a board-intended action.

Mr Brian Sutherland: Yes.

Ms Cronk: What I'm saying to you is, was there any discussion at that point in the meeting, 15 minutes short of its conclusion, or in the remaining ensuing time at the meeting, that you now remember about pending legal proceedings or actions that had been taken or might be taken by Ms Pretty?

Mr Brian Sutherland: I don't recall that.

Ms Cronk: Mr Sutherland, you of course appreciate the importance of the question that I'm asking you, I assume.

Mr Brian Sutherland: Yes.

Ms Cronk: Some people, when they say, "I don't recall something," mean that it did not occur. Some people mean, "I just don't remember, one way or the other." Which are you telling us?

Mr Brian Sutherland: I'm saying I don't remember.

Ms Cronk: One way or the other?

Mr Brian Sutherland: No.

Ms Cronk: All right. So you're not saying there wasn't discussion of that issue; you're simply saying that you personally don't have a memory of it.

Mr Brian Sutherland: That's right.

Ms Cronk: And at any point from the time of the minister's introductory comments at the meeting, which included again I say, and you've acknowledged, an acknowledgement by the minister that she was aware of legal proceedings—

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: —initiated by Sharron Pretty and the removal motion; at any point from then until the time in the meeting that you're now describing when this issue of the further meeting came up, was there any discussion that you remember about legal proceedings then pending involving Sharron Pretty and the board in whatever way it might have been described? Pick your noun: actions, legal proceedings, charges? Any discussion of that?

Mr Brian Sutherland: If there were, it was incidental and I just do not remember it being a significant point of discussion early on in the meeting.

Ms Cronk: At any point during the course of the meeting that you remember, was it suggested to Ms Pretty by anyone that the board of directors of the Van Lang Centre might defer or consider the possibility of deferring removing her from the board as a director if she would consider withdrawing or dropping the charges that she had initiated?

Mr Brian Sutherland: I do not remember it in that context.

Ms Cronk: In any context, that kind of a suggestion?

Mr Brian Sutherland: Well, obviously I made mention of the fact that there seemed to be some agreement reached about whether to have the meeting on the 19th, which was scheduled to have Ms Pretty removed. From my observation, it seemed as though that was going to be put on hold. I can't recall that being related to any action that Ms Pretty may or may not take.

Ms Cronk: Do you recall there being an agreement at the meeting that a meeting of the board to remove Ms Pretty be deferred? Was there agreement that that shouldn't take place?

Mr Brian Sutherland: I believe there was, yes.

Ms Cronk: And are you saying to the committee that you don't recall that being related to any other action that Ms Pretty was then involved in or might be involved in?

Mr Brian Sutherland: To me, the emphasis seemed to be on having another meeting, and the way I remember it, Dr Truong and Ms Pretty were discussing dates and times. It seemed to me that there'd been some general agreement reached to have another meeting.

Ms Cronk: Mr Sutherland, to put it to you bluntly, so that there's no confusion about this, Ms Pretty has testified before this committee, and I assume that you are aware has said on a number of occasions publicly, that there was a deal offered at that meeting—that's her language, not mine—that it was proposed essentially to her that she drop her charges, or speak to the crown or prosecutor about withdrawing those charges if the board would defer her removal as a director or postpone that decision. You're aware of those allegations by Ms Pretty?

Mr Brian Sutherland: Yes, I am.

Ms Cronk: And you're aware, I take it, that they have been made publicly and again here before this committee?

Mr Brian Sutherland: Yes.

Ms Cronk: All right. Did that occur, based on your memory of the meeting?

Mr Brian Sutherland: Not to my recollection.

Ms Cronk: When you say that, are you saying that it did not occur or that you don't remember one way or the other?

Mr Brian Sutherland: I do not remember.

Ms Cronk: One way or the other.

Mr Brian Sutherland: That's right.

Ms Cronk: So you're not saying it didn't happen. You're simply saying you have no memory of it.

Mr Brian Sutherland: That's correct.

Ms Cronk: Similarly, she has alleged both publicly and again before this committee that the minister on a number of occasions—she has said on three or more occasions—asked her whether she would consider as a possibility withdrawing her charges or speaking to the crown attorney about that if there was a deferral of the decision to remove her. In the context of the suggestion of it repeatedly coming up, do you remember that having occurred?

Mr Brian Sutherland: I think I would have remembered it, had it been said. I do not remember that.

Ms Cronk: And in fact do your notes prepared on or about July 13th, July 14th at tab 103 contain any reference or indication of a discussion of charges or the removal of Ms Pretty as a director, apart from that paragraph 4 that I've drawn your attention to, concerning the minister's initial acknowledgements at the meeting?

Mr Brian Sutherland: No, they do not.

Ms Cronk: Do your handwritten jottings in your day book contain any reference to either of those issues?

Mr Brian Sutherland: The two issues again, please?

Ms Cronk: Removal of Ms Pretty as a director and the suggestion of charges being withdrawn or dropped.

Mr Brian Sutherland: I think I may have written down something or just, "Removal of Ms Pretty."

Ms Cronk: If you look at your handwritten notes at tab 83, June 17th, first, is there anything in those notes about charges, legal proceedings, legal actions or actions generally?

Mr Stupart: Excuse me, the tab number again?

Ms Cronk: Eighty-three. Would you like me to repeat the question, Mr Sutherland?

Mr Brian Sutherland: Please.

Ms Cronk: Is there anything in those notes, which you've said were made at the meeting, about charges, legal proceedings, legal actions or actions generally? Is there any reference to anything of that kind?

Mr Brian Sutherland: Well, there's a line about Sharron Pretty's removal, which I'm sure relates to some discussion.

Ms Cronk: All right, and what does it say?

Mr Brian Sutherland: Simply, "Sharron Pretty's removal."

Ms Cronk: And you're referring to the fifth line down?

Mr Brian Sutherland: Yes, I am.

Ms Cronk: And that's listed under the topic "Issues."

Mr Brian Sutherland: Yes.

Ms Cronk: Looking at these notes now, can you assist the committee as to whether that was something discussed at the beginning of the meeting or later in the meeting, or can you tell?

Mr Brian Sutherland: That would have been at the start of the meeting.

Ms Cronk: It looks to me that you were listing the issues referred to at the outset of the meeting.

Mr Brian Sutherland: Yes.

Ms Cronk: Okay. After that, is there any indication in these notes—and I'm suggesting that there isn't, that there's no indication or mention of legal proceedings, legal actions, charges, outstanding litigation or actions generally. None of those words anywhere appear in these notes.

Mr Brian Sutherland: That's correct.

Ms Cronk: Similarly, there's no further reference in these notes, is there, with respect to the removal of Sharron Pretty as a director, except the words "Special meeting" appear?

Mr Brian Sutherland: Yes.

Ms Cronk: What did the words "Special meeting" relate to?

Mr Brian Sutherland: The term "Special meeting" meant that as we closed the meeting there was some reference to involving perhaps someone from the Ontario Non-Profit Housing Association and our office and having the parties get together with that kind of involvement. I was thinking in terms of who I would be contacting from that organization that may be able to assist in this.

Ms Cronk: So I take it those two words, "Special meeting," refer to the proposed further meeting among the board members and Ms Pretty as distinct from any special meeting regarding her removal as a director.

Mr Brian Sutherland: That's correct.

Ms Cronk: Do you remember, Mr Sutherland, any person at that meeting using the phrase "drop the charges," "dropping the charges," or any suggestion being made of legal proceedings, legal actions or charges being dropped in any way?

Mr Brian Sutherland: No, I do not.

Ms Cronk: When you say that, again, are you saying that you don't remember one way or the other or are you saying it did not occur?

Mr Brian Sutherland: It did not occur.

Ms Cronk: You're saying no one at the meeting used those phrases.

Mr Brian Sutherland: Not to my recollection, no.

Ms Cronk: Do you recall at any point during the meeting any person referring to a crown attorney or prosecutor?

Mr Brian Sutherland: No, I don't.

Ms Cronk: The committee has heard evidence from Ms Pretty, and indeed there is reference in public statements made both by the minister and by Ms Pretty, that there was discussion of a prosecutor, that that word was used during the course of the meeting. Ms Pretty has given the committee her evidence regarding that discussion; the committee will hear from the minister. Do you remember now any discussion of a prosecutor or crown attorney or those phrases being used by any person at the meeting?

Mr Brian Sutherland: No, I do not.

Ms Cronk: Again, are you saying it didn't occur, or you don't remember one way or the other?

Mr Brian Sutherland: I do not remember that.

Ms Cronk: Let me understand what your evidence is to the committee, then, Mr Sutherland. Are you saying that you really have no memory of this contentious discussion at this meeting or are you saying that there was no discussion of pending charges, a crown attorney or crown prosecutor at all? Are you saying, "It just wasn't discussed at that meeting; I was there, I remember, and it wasn't discussed," or are you saying, "I just don't remember"?

Mr Brian Sutherland: I don't remember it.

1120

Ms Cronk: Are you understanding the difference of what I've put to you?

Mr Brian Sutherland: Yes.

Ms Cronk: All right. Are you saying then that you don't remember one way or the other?

Mr Brian Sutherland: I could say I don't remember it being discussed. I do not recall it being discussed. I'm just trying to focus in on what the best way of providing an answer on this is. I do not recall those kinds of specifics being discussed.

Ms Cronk: And I take it that if they were, whatever their context and whatever the language used, you have no present memory of it and can't assist the committee as to what was or was not said?

Mr Brian Sutherland: No, I cannot.

Ms Cronk: Either by the minister or by Ms Pretty or by anyone else at the meeting.

Mr Brian Sutherland: No, I cannot.

Ms Cronk: And when Ms Pretty tells this committee, as she did yesterday, that there was discussion on her evidence at least by Mr Nguyen, as she recalls it, and she suggested, by herself, of the use of the phrase "dropping charges," you have no memory of that.

Mr Brian Sutherland: No, I do not.

Ms Cronk: And you don't recall anyone else using that expression at the meeting either.

Mr Brian Sutherland: No.

Ms Cronk: One way or the other.

Mr Brian Sutherland: No.

Ms Cronk: One way or the other? You're saying you don't recall that being used by anyone at the meeting.

Mr Brian Sutherland: I don't recall that being used by anybody, no.

Ms Cronk: One way or the other.

Mr Brian Sutherland: One way or the other.

Ms Cronk: Ms Pretty has really suggested to the committee, Mr Sutherland, that a proposal was made to her that she refrain from proceeding with her charges, that she take some action by speaking to the crown attorney or the prosecutor to have those charges withdrawn or dropped, and she has suggested to the committee that it was clearly put to her by the minister that were she to do that, the board might defer or postpone the removal of her as a director, and that that was either a deal put to her at that meeting or a proposition that the minister expressed to her in a variety of ways on more than one occasion during the meeting. Do you have any memory of any of that, that you can assist the committee with?

Mr Brian Sutherland: My only memory is that the minister was encouraging the parties to work together to solve the problem. I don't relate that comment to any suggestion that certain actions be taken by Ms Pretty. I don't recall that.

Ms Cronk: Do you recall the minister saying to Ms Pretty during the course of the meeting, at any point, that she or others there should not feel pressured?

Mr Brian Sutherland: I can't say I recall that specifically, but that comment may have been made.

Ms Cronk: But you don't remember.

Mr Brian Sutherland: No.

Ms Cronk: Do you recall at any point it being suggested to Sharron Pretty or other members of the board by the minister that they didn't have to make up their minds, that they could take the time to think about it, or they could take time to think about it? Do you remember that being suggested?

Mr Brian Sutherland: Again, I'm just not clear whether I do or I don't.

Ms Cronk: And specifically, in the context of the proposal that a further meeting occur among the members of the board and Ms Pretty, do you recall the minister saying to Ms Pretty: "You don't have to make your mind up about a date. You don't have to agree to a date now. Take your time to think about it," or words to that effect? Do you recall that being said?

Mr Brian Sutherland: Again, something to that effect may have been said, but I cannot recall it clearly enough to say yes or no.

Ms Cronk: So you don't remember one way or the other.

Mr Brian Sutherland: No.

Ms Cronk: So when you said a little earlier, as you did, that there was an agreement, you thought, among the people present at the meeting, the board members and Sharron Pretty, to meet again, it was your impression that an agreement had been reached?

Mr Brian Sutherland: Yes.

Ms Cronk: Is it also your recollection that Ms Pretty was also to that suggestion?

Mr Brian Sutherland: Yes, because I do recall specifically date books being taken out and Ms Pretty mentioning her schedule and the fact that the previous meetings had not been scheduled at her convenience and that any future meeting would have to take into account her schedule.

Ms Cronk: Mr Sutherland, please tell me if this is unfair, but I gather if there was any discussion of these issues at the meeting, either in the manner suggested by Ms Pretty or in the manner suggested by the minister publicly on other occasions and in her statement given to this committee—have you seen her statement delivered to this committee, that's filed as part of the exhibits here?

Mr Brian Sutherland: No, I haven't.

Ms Cronk: Okay, and I won't ask you to read it. Are you aware, however, of what the minister has said publicly about this issue, both in the Legislative Assembly and in various reported media accounts?

Mr Brian Sutherland: Generally, yes.

Ms Cronk: I take it, then, that if there was any discussion of these topics between Ms Pretty and the minister at the meeting, it didn't hold sufficient significance for you that you retained a memory of it?

Mr Brian Sutherland: That's correct.

Ms Cronk: You had no memory of it on July 14th when you made your notes?

Mr Brian Sutherland: That's correct.

Ms Cronk: But that was about a month after the meeting?

Mr Brian Sutherland: That's correct.

Ms Cronk: During the course of the meeting, your notes—you were really making jottings, not detailed notes of what occurred?

Mr Brian Sutherland: That's correct.

Ms Cronk: Would it be fair to suggest that those notes certainly didn't contain even a heading for everything discussed at the meeting, because the notes are on one page and really less than a full page?

Mr Brian Sutherland: Yes, they are very abbreviated.

Ms Cronk: So you didn't, at that point, make any note about these matters, but there were many other matters that were discussed at the meeting that you made no note about either. Is that fair?

Mr Brian Sutherland: That's correct.

Ms Cronk: In giving your evidence before the committee about what occurred at the meeting, are you relying on the notes that you prepared on July 14th, about a month after the meeting?

Mr Brian Sutherland: To a large measure, yes.

Ms Cronk: Mr Chair, I have a few more questions for the witness, but I would think within about 10 to 15 minutes I would be complete. Would the committee be prepared to rise for its break now? We've been going since 9:30.

The Chair: Fine, a 10-minute recess.

Ms Cronk: Thank you.

The committee recessed from 1127 to 1146.

The Chair: Ms Cronk, do you want to continue your questioning of the witness?

Ms Cronk: Yes, thank you, Mr Chair. Mr Sutherland, with respect to your July 14, 1994, notes, would you agree with me that they are a detailed account of matters discussed at the meeting on June 17th?

Mr Brian Sutherland: As detailed as I could recollect, yes.

Ms Cronk: And that they are a fulsome summary, I suggest, of what occurred at the meeting, the atmosphere of the meeting and various issues discussed at the meeting?

Mr Brian Sutherland: Yes.

Ms Cronk: Certainly much more so. There's no comparison between the depth of the detail in your July 14th notes and the jottings that you made at the meeting on June 17th.

Mr Brian Sutherland: That's correct.

Ms Cronk: We're talking, in character and kind, about a very different kind of recording, are we not?

Mr Brian Sutherland: Yes, we are.

Ms Cronk: All right. Could I ask you to go to tab 90, if you would, please, of exhibit 1, volume 3. Do you have it, Mr Sutherland?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: This is a memorandum dated Friday, June 17, 1994, expressed to be to Steve Shapiro from yourself. Is that correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: And am I correct that this is a transcription of an e-mail sent to Mr Shapiro by you on that day?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: And there's a time entry immediately beside the date of 3:33 pm?

Mr Brian Sutherland: That's correct.

Ms Cronk: Would that be the time that the e-mail was sent by you to Mr Shapiro?

Mr Brian Sutherland: Yes.

Ms Cronk: In the context of the timing of the meeting at the Rideau Centre on June 17th, I understood that the meeting commenced at about 11:30 in the morning. Is that correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: And lasted, you said, about an hour and a half. That would take us to about 1 pm in the afternoon.

Mr Brian Sutherland: That's right.

Ms Cronk: Is it correct, then, that this e-mail to Mr Shapiro was prepared by you about two and a half hours after the conclusion of the meeting?

Mr Brian Sutherland: That's correct.

Ms Cronk: And where did you go after the meeting? Did you go back to your office?

Mr Brian Sutherland: I believe I went right back to the office, yes.

Ms Cronk: All right. You might have had lunch?

Mr Brian Sutherland: I don't know that I had lunch that day. I think I went right back.

Ms Cronk: So did you, within two and a half hours after the conclusion of the meeting, go back to your office and prepare this e-mail for him and send it to him?

Mr Brian Sutherland: Yes, I did.

Ms Cronk: All right. It reads as follows: "As you might have imagined, the meeting between the board of the National Capital Vietnamese Canadian Non-Profit Housing Corporation (including Sharron Pretty) and the minister today was a lengthy ordeal. It went on for more than an hour."

Stopping there for a moment, was that your impression of the meeting, in the sense that it was what you thought to be a lengthy ordeal?

Mr Brian Sutherland: Had I known this transcript would have been circulated so far and wide, I suppose I might have said that differently. But indeed, I felt they would understand what I was saying because of having attended meetings of the board before. The phraseology—again, had I known it was going to be circulated so far and wide, I might have used different terminology, but indeed it was an ordeal.

Ms Cronk: In your mind, a difficult meeting?

Mr Brian Sutherland: Yes.

Ms Cronk: Difficult, I take it, because of the history of these parties, that is, the acrimony and antagonism of which you were aware?

Mr Brian Sutherland: That's correct.

Ms Cronk: And the fact that at least a majority of the board was present, plus Sharron Pretty?

Mr Brian Sutherland: That's correct.

1150

Ms Cronk: The very people between whom, to your knowledge, there had been months of difficulty?

Mr Brian Sutherland: That's correct.

Ms Cronk: And in addition, it was a meeting at which the minister was present?

Mr Brian Sutherland: That's true.

Ms Cronk: And that, you told us, was for you an unusual event.

Mr Brian Sutherland: Yes.

Ms Cronk: And that lent, would it be fair of me to suggest, a heightened gravity to the meeting or significance to the meeting? This was serious.

Mr Brian Sutherland: Yes, it did.

Ms Cronk: You continue in the memo, "There is no doubt in my mind that the minister continues to be sympathetic to Trinh Luu and Sharron although I think her eyes were opened a bit as the meeting progressed."

Perhaps I could just carry on and then I have some questions for you about the memo.

Mr Brian Sutherland: Okay.

Ms Cronk: "In any event, I believe that the minister

was able to convince Sharron and the other board members to work toward a resolution of the matter prior to the charges being considered by the court early next month. There seems to be more willingness to resolve matters in-house although Sharron remains unpredictable and could sabotage things on short notice.

"I would like to talk about future board meetings, our involvement and possible [sic] the added involvement of either ONPHA members or a mature member of another non-profit in the area. We should discuss on Monday."

You then conclude the e-mail and you copy it to Bill Clement in your office, correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: This memo very clearly suggests, does it not, Mr Sutherland, that at the meeting on June 17th there was discussion by the minister with Sharron Pretty and the other board members of working towards a resolution before the charges initiated by Sharron Pretty were considered the following month in court?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: The difficulty that I have, sir, is this, and I'm going to explain to you what my difficulty is and then ask you to comment on it. Your evidence to the committee this morning is that you do not remember a discussion at this meeting between the minister and Sharron Pretty and the other board members about the charges that were then outstanding, save for an acknowledgement at the beginning of the meeting of the minister of her awareness of that fact.

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: Am I correct? And this memo, written by you within two and a half hours of your return from the meeting, very clearly deals with the subject of the charges and their timing, that is, the next appearance date within the next month, correct?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: It very clearly suggests, does it not, that the charges were a subject of discussion at the meeting?

Mr Brian Sutherland: The way it's written here it does, yes.

Ms Cronk: And indeed, reading through the memo, apart from commenting upon how you perceived the atmosphere of the meeting in the sense of it being a lengthy ordeal and a difficult meeting, the only thing mentioned and discussed in this memo at all is the fact of the minister's discussion with Sharron and the board members about working towards a resolution of the matter and the charges.

Mr Brian Sutherland: Yes.

Ms Cronk: There's nothing else in this memo about any of the other matters discussed, correct?

Mr Brian Sutherland: That's correct.

Ms Cronk: And indeed, in the language of the memo, you suggest that it was your belief following the meeting that the minister was able to convince Sharron and the other board members to work toward a resolution within a certain time frame, that is, prior to the charges being dealt with the following month in court.

Mr Brian Sutherland: That's correct.

Ms Cronk: That suggests to me, and I invite your comment, that what occurred at that meeting, from your perspective at least, was an effort by the minister to persuade the board members and Sharron Pretty towards a certain end, and that is to work towards a resolution of the matter prior to the timing, the scheduling of the next court appearance on the charges.

Mr Brian Sutherland: Again, that's what I said in the e-mail, and certainly in terms of working towards an accommodation, there's no question in my mind that that was the order of the day. I looked upon what was happening as being a window of opportunity between that time and whenever the charges were going to be heard, and I suppose in that context I looked at it this way.

Ms Cronk: It suggests, Mr Sutherland, doesn't it, that of some significance, in your mind at least, was the fact that those charges were to be dealt with in the sense of another scheduled court appearance the following month?

Mr Brian Sutherland: Yes.

Ms Cronk: And that the convincing that the minister was doing at the meeting was somehow tied into that?

Mr Brian Sutherland: It may have had some bearing on it, yes.

Ms Cronk: Well, your memo suggests that was your perspective, doesn't it?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: And going into the meeting, you of course knew, as you've told the committee, of the status of the charges and details of the nature of the charges and who they involved.

Mr Brian Sutherland: Yes.

Ms Cronk: You had that information available to you both through the background note prepared by your office on the 15th and the additional information provided to you through Patti Redmond on the 16th.

Mr Brian Sutherland: That's correct.

Ms Cronk: So that was certainly a highlighted item, a matter of significance in your mind going into the meeting?

Mr Brian Sutherland: Yes, it was.

Ms Cronk: And you come back from the meeting, and the report you do to Shapiro speaks specifically about what happened between the minister, the board members and Sharron Pretty with reference to when those charges were going to be dealt with the following month.

Mr Brian Sutherland: Yes.

Ms Cronk: And in that context, Mr Sutherland, do you now remember a discussion at that meeting between the minister, Sharron Pretty and the board members about those pending charges?

Mr Brian Sutherland: I can't recall it clearly enough or specifically enough to be precise, but obviously I'm aware that, you know, something related to them may have taken place.

Ms Cronk: So you accept, with this e-mail in front of you, that coming out of the meeting, you were recording that there had been a discussion towards a resolution of

the matter in the context of the charges being considered the following month.

Mr Brian Sutherland: That would be my recollection. If I put it down, that would be my recollection, yes.

Ms Cronk: And doesn't that mean, Mr Sutherland, that the matter of the charges and working towards some resolution was discussed at the meeting among the minister, Sharron Pretty and the other board members?

Mr Brian Sutherland: Again, it may have been, but I cannot recall the specifics.

Ms Cronk: But with this memo in front of you—I'm focusing now on your words "may have been." This memo clearly suggests it did occur, does it not?

Mr Brian Sutherland: Yes, it does.

Ms Cronk: And are you saying to the committee that you just don't remember what was said about it?

Mr Brian Sutherland: I don't remember what was said, but obviously I had the impression that this was part of the discussion.

Ms Cronk: And in terms of the focus of the meeting or the purpose of the meeting, from your perspective, when you came back the only thing that you were reporting on to Steven Shapiro was, apart from the atmosphere of the meeting and the possibility about future board meetings, this issue; that's the only thing you're dealing with in this memo.

Mr Brian Sutherland: Yes, but I was simply putting that into context so that they would understand the main elements of the meeting, you know. I suppose putting it into that context certainly made it one of the main elements of the meeting but, to my way of thinking, the real issue or the real element of the meeting that was important was the fact that the folks were going to get together and try to resolve their differences.

Ms Cronk: Well, can we agree that the matters recorded in this memo or this e-mail are, first, the atmosphere of the meeting and its length?

Mr Brian Sutherland: Yes.

Ms Cronk: Secondly, the minister's attitude, as you understood it, to Trinh Luu and Sharron, which you described as continuing to be sympathetic?

Mr Brian Sutherland: I felt that way, yes.

Ms Cronk: That's the second item dealt with in the memo?

Mr Brian Sutherland: Yes.

Ms Cronk: Thirdly, the matter of the minister, the minister's discussion with Sharron Pretty and the other board members about working towards a resolution of the matter?

Mr Brian Sutherland: That's correct.

Ms Cronk: And that's done in the context, in your e-mail, of the charges being scheduled to be dealt with the following month in court.

Mr Brian Sutherland: Yes.

Ms Cronk: So that that third item discusses the charges and the minister's discussion at the meeting towards a resolution.

Mr Brian Sutherland: Yes.

Ms Cronk: And the fourth thing is a comment about your views of Sharron Pretty?

Mr Brian Sutherland: Yes.

Ms Cronk: And her willingness, in your view, to resolve the matter?

Mr Brian Sutherland: Yes.

Ms Cronk: And the fifth and final thing is the possibility about future board meetings and involvement of your staff in those meetings?

Mr Brian Sutherland: That's correct.

Ms Cronk: And when you say to me that you were trying to put in context the main elements of the meeting, I suggest that when you compare this memorandum to your detailed notes of July 14th, there were many other things discussed at the meeting; correct?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: And are you saying, then, that the matters in this e-mail to Steve Shapiro were, in your mind, the most significant, the main elements of the meeting that were important?

Mr Brian Sutherland: They were certainly important that day, and I saw the fact that the people were going to get together again and meet again as being important, yes.

Ms Cronk: Did you go into that meeting, Mr Sutherland, with the expectation that what was going to be discussed was related to the charges then pending?

Mr Brian Sutherland: No.

Ms Cronk: And do you say that, sir, recognizing the information you had available about that matter on June 15th and June 16th, and again in recognition of the fact that you're reporting upon that to Steven Shapiro when you come back? Do you understand—

Mr Brian Sutherland: Can you pose the question again?

Ms Cronk: Do you understand the implication of what I'm putting to you?

Mr Brian Sutherland: Yes.

1200

Ms Cronk: What I'm saying to you is, did you go into the meeting in the expectation or with the understanding that what was going to be dealt with at the meeting concerned the pending charges initiated by Sharron Pretty?

Mr Brian Sutherland: I was aware of them, but certainly that wasn't my expectation as far as the meeting was concerned, that that would be a principal area of topic.

Ms Cronk: Why then was information included in the background note of the status of those charges and additional information provided to you on June 16th relating specifically to the status of the charges?

Mr Brian Sutherland: I really don't know. I suppose it was for my information, but certainly in my own mind I didn't associate that directly with the meeting.

Ms Cronk: So that I'm clear, then, Mr Sutherland, as to what your evidence is, do you now acknowledge, with this e-mail in front of you, that the matter of those

charges was discussed by the minister with Sharron Pretty and the other board members at the meeting?

Mr Brian Sutherland: Yes.

Ms Cronk: And are you saying to the committee that you just don't remember what was said about that?

Mr Brian Sutherland: That's correct.

Ms Cronk: In fairness to you, if you're not clear in your own mind about what was said on the issue, I take it you don't want to be offering suggestions to this committee about what various individuals may or may not have said, if you're not clear about it?

Mr Brian Sutherland: That's correct.

Ms Cronk: Did you report to Mr Shapiro or Mr Clement about any other feature of the meeting after it had concluded, apart from what's contained in this memo of June 17th?

Mr Brian Sutherland: We spoke about the meeting the following week, in a very general way.

Ms Cronk: What, in the context of this memo, do you remember the minister trying to convince Sharron and the other board members to do?

Mr Brian Sutherland: To meet again.

Ms Cronk: When you wrote the words "to work towards a resolution of the matter," is that what we're to take from them: that in your mind it was a further meeting?

Mr Brian Sutherland: Yes.

Ms Cronk: Is it equally possible, Mr Sutherland, that there was discussion by the minister with Sharron and the other board members of working to resolve, on the one hand, the removal of Sharron Pretty as a director and, on the other, Sharron Pretty's charges?

Mr Brian Sutherland: It is possible.

Ms Cronk: Is it equally possible that the minister was able to convince Sharron and the other board members to work towards a resolution of those issues?

Mr Brian Sutherland: I felt there'd been progress made. I couldn't conclude as to what the outcome would be.

Ms Cronk: Could I ask you to go as well, sir, if you would, please, to exhibit 2, to tab 54. Do you have that?

Mr Brian Sutherland: Yes, I do.

Ms Cronk: This is a letter dated June 15, 1994, expressed to be from yourself to Mr Nguyen Huu Chi, the president of the Ottawa Vietnamese Non-Profit Residence Corp. I understand that organization to be another non-profit facility, not connected with the Van Lang Centre.

Mr Brian Sutherland: That's correct.

Ms Cronk: Is it correct that in this letter you were responding to correspondence received from the president of that organization in which an offer of assistance had been made by him?

Mr Brian Sutherland: That's correct.

Ms Cronk: And his letter to you in that regard is the next attachment, dated June 6, 1994?

Mr Brian Sutherland: That's correct.

Ms Cronk: He wrote to you referring to the fact that the president and several members of the Van Lang housing project had been charged with violations under the Corporations Act and offering the assistance of his organization until the matter of those charges had been resolved.

Mr Brian Sutherland: That's correct.

Ms Cronk: Is that a fair construction of the letter?

Mr Brian Sutherland: Yes, it is.

Ms Cronk: What I took from it, and please tell me if this is right or wrong, that he was really writing to you saying: "This difficulty has arisen with respect to the Van Lang Centre. We have experience in non-profit organizations of this kind with Vietnamese residents and we are prepared to step in and manage the Van Lang Centre until this matter's resolved." Is that effectively what he was proposing?

Mr Brian Sutherland: Yes.

Ms Cronk: And in your letter of June 15th you were acknowledging that offer but rejecting it?

Mr Brian Sutherland: That's correct.

Ms Cronk: You say in the third paragraph, in that context, "I honestly feel that the members of the Van Lang board are also very concerned about their responsibilities and that they are keenly interested in refuting those charges." Stopping there, I take it you're referring to the alleged infractions to the Corporations Act?

Mr Brian Sutherland: I was.

Ms Cronk: Again, you wrote this on June 15th, so that information was available to you, as we've seen from the background note at that point in time—

Mr Brian Sutherland: Yes.

Ms Cronk: —but also through this source. You'd received a letter from the president of this organization specifically referring to the matter?

Mr Brian Sutherland: That's correct.

Ms Cronk: "It is also premature to judge the outcome of the current state of affairs. In these circumstances, it is my advice that we all stand back until the charges have been processed through the justice system. Do otherwise may be seen as interfering with due process." Was that your feeling at the time?

Mr Brian Sutherland: That was my feeling. It was a third-party request to become involved, and I certainly felt, given the charges and the environment at that time, that it would not be appropriate to involve another party.

Ms Cronk: And what your letter suggests, in the context of writing to him, was that all should stand back until the charges had been processed essentially in the normal course of the justice system. Correct?

Mr Brian Sutherland: That's right.

Ms Cronk: And you are saying to him that to do otherwise might be seen as an interference with the due process. I take that to mean the due process of the justice system.

Mr Brian Sutherland: That was my intended meaning.

Ms Cronk: Would you agree with me, sir, that

discussing the charges at the meeting on June 17th was not standing back until the charges had been processed through the justice system?

Mr Brian Sutherland: Well, it may be interpreted that way.

Ms Cronk: Is that a fair interpretation?

Mr Brian Sutherland: Yes.

Ms Cronk: And in that context, did you regard what happened at the June 17th meeting as carrying with it the potential as being seen as interfering with the due process of the justice system?

Mr Brian Sutherland: I really didn't look at the meeting in that context, honestly. I felt it was a problem-solving meeting and I didn't see it in the same context as this matter.

Ms Cronk: At the time?

Mr Brian Sutherland: That's right.

Ms Cronk: Looking at it today, do you?

Mr Brian Sutherland: Not necessarily. I guess I make the distinction between a third party expressing interest in a situation and the Minister of Housing. I have some difficulty seeing the two are the same. The minister had responsibility for the ministry and projects and this was a separate organization, so—

Ms Cronk: Are you saying it would be more appropriate for the minister than for a third party, outside organization?

Mr Brian Sutherland: To involve oneself in due process would not be appropriate for anyone.

Ms Cronk: Can we go this far together, that it was a matter to which you were sensitive prior to the meeting on June 17th?

Mr Brian Sutherland: Yes.

Ms Cronk: And in responding to the president of this organization, you were being courteous, thanking him for his offer but effectively saying: "Stand back. It's in the interests that all stand back until this is dealt with in the normal way, because to do otherwise carries with it the risk of being seen to interfere with the due process of the justice system"?

Mr Brian Sutherland: That's correct.

Ms Cronk: Before you went to the meeting on June 17th, Mr Sutherland, had you considered the fact of that proposed meeting and what might occur at it in the context of the Premier's conflict-of-interest guidelines?

Mr Brian Sutherland: No, I had not.

Ms Cronk: Had any member of your staff provided you with any advice on that or raised the issue with you in any way?

Mr Brian Sutherland: No.

Ms Cronk: To your knowledge, had they considered it?

Mr Brian Sutherland: To my knowledge, they had not.

Ms Cronk: Had anyone from the minister's staff in Toronto raised it with you?

Mr Brian Sutherland: Not to my recollection, no.

Ms Cronk: Did any red flags go off in your own mind, especially given the views that you—I shouldn't say "especially"—recognizing the views that you'd expressed just two days before to the president of this organization as to whether there was an issue there with respect to the Premier's conflict-of-interest guidelines?

Mr Brian Sutherland: I certainly would have it in my mind; I can't sort of relate specifically to how I thought about it. But my bigger concern was that the minister had decided to meet with the group and that I had been asked to attend. In that context, I felt reasonably comfortable about going into the meeting.

1210

Ms Cronk: Do you now remember having addressed the issue in your own mind at all or it having even crossed your mind before going into the meeting of June 17th?

Mr Brian Sutherland: I can't recall a specific feeling of that nature, but obviously had I communicated to another group on a similar issue very recently it certainly may have been there. I just can't recall specifically thinking about that.

Ms Cronk: Okay. Does it follow from that that you don't recall having discussions with anyone about that prior to the meeting?

Mr Brian Sutherland: Yes.

Ms Cronk: I'm sort of curious, Mr Sutherland, as to what training or information is provided to ministry offices such as your own, or has been since introduction of those guidelines, regarding when they're to be considered or how they apply or when they may be an issue. Did you at any point following introduction of those guidelines, as a senior management representative of the Ministry of Housing offices in Ottawa, receive information or training about that?

Mr Brian Sutherland: About the Premier's conflict-of-interest guidelines?

Ms Cronk: Yes.

Mr Brian Sutherland: No. We've certainly been dealing with conflict-of-interest guidelines relative to our own activity and had training respecting those.

Ms Cronk: What about the whole issue of conflict-of-interest requirements or rules, whether in legislation or in the Premier's guidelines for conduct by ministers?

Mr Brian Sutherland: I would say that our knowledge of those is more general than specific. I mean, I'm aware that there are such requirements, but I don't have a detailed knowledge of them.

Ms Cronk: I just don't know what the general practice is. Were you ever at a briefing meeting about that or as a senior manager do you receive information about when you should be considering those issues or is that really for the political advisers of the minister?

Mr Brian Sutherland: I can't recall having received any information about that or having been at a briefing specifically dealing with conflict of interest in that context.

Ms Cronk: The reason I ask you these questions, Mr Sutherland, is because in the file materials that we

received from the Ministry of Housing offices in Ottawa it came to us in the form of two brads, one marked "Regional Office Admin File Number Two" and the other containing correspondence, various e-mails and memos. On the brad which I'm going to show you is a copy of the conflict-of-interest guidelines bearing the date of December 12, 1990, and it appears on the brad just after the June 15 background note—"after" meaning that beneath the conflict-of-interest guidelines is the June 15th background note—and immediately after the conflict-of-interest guidelines is the fax cover sheet from Patti Redmond, dated June 16th, enclosing the memo from Reid Duncan and Andrea Baston that we looked at, the one providing information about the charges.

Mr Brian Sutherland: Yes, mm-hmm.

Ms Cronk: I wondered, therefore, whether Patti Redmond had provided to you, with the fax, a copy of the conflict-of-interest guidelines. Would you like to look at it? Would that help?

Mr Brian Sutherland: Yes.

Ms Cronk: At the top of the brad is, just to put it so that we know the sequence in which these appear to have been put on the file—and when I say a "brad," in fairness I should say these materials are clipped together; the other is actually a cerlox brad at the top with punch-hole marks in it where things were put on the brad. But this appears to be a photocopy of a correspondence brad, I suggest. The document on the top is dated July 22, 1994, and as you move through it you're moving to earlier documents. So they appear to be in chronological order. Do you want to take a minute to satisfy yourself that's a fair description of it?

Mr Brian Sutherland: Okay, sure.

Ms Cronk: Mr Hourigan informs me that it's actually our understanding that this may be the original copy of this documentation from the ministry, not photocopies, so you'll see some bearing an original fax stamp. At this point I'm just asking you to confirm whether I've described it accurately, that it appears to be from the most recent to the oldest in terms of correspondence and e-mails and memos of that kind.

Mr Brian Sutherland: Yes.

Ms Cronk: Could I help you find the document?

Mr Brian Sutherland: Sure.

Ms Cronk: Moving through it, back in time, when we come to the date of around June 23rd, we see various memos under date of June 23, 1994. Do you see that?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: Excuse me for leaning over you. And then we see a copy of a briefing note, and then a photocopy of an article from the paper, and then we come to a copy of the memo from Andrea Baston to Patricia Redmond dated June 16th?

Mr Brian Sutherland: Yes.

Ms Cronk: And behind it a copy of a memo from Reid Duncan to Andrea Baston dated June 16th regarding removal of a director?

Mr Brian Sutherland: Yes.

Ms Cronk: And then we find the fact sheet from Patti

Redmond to yourself of June 16th that we spoke about this morning?

Mr Brian Sutherland: That's correct.

Ms Cronk: Then we find behind that a copy of the conflict-of-interest guidelines?

Mr Brian Sutherland: Yes.

Ms Cronk: And then we find immediately behind that a copy of the June 15th memo to Karen Ridley from Lisa Heaton enclosing a copy of the background note with reference to the minister's meeting with the Van Lang Centre group on June 17th?

Mr Brian Sutherland: Mm-hmm.

Ms Cronk: Can you help me as to whether Ms Redmond sent with her fax to you a copy of the conflict-of-interest guidelines?

Mr Brian Sutherland: I can't recall that specifically. I in fact arrived back in Ottawa that morning, so I don't know when this fax would have taken place June 16th.

Ms Cronk: Do you know how the guidelines come to be on that brad?

Mr Brian Sutherland: No, I don't.

Ms Cronk: Okay. I'm showing you the file folder from which the bundle came, and would you agree with me it bears a—I don't know what to call it. It's a label describing what's in it. The "Regional Office Admin File Number Two" is in it, and that too appears to contain copies of various documents, but it appears to be inclusive of some originals.

Mr Brian Sutherland: Yes.

Ms Cronk: Would it be fair of me to suggest to you, Mr Sutherland, that it would appear that the conflict-of-interest guidelines were in someone's mind around the time of that meeting if these brad materials are in fact in chronological order of their compilation?

Mr Brian Sutherland: Yes.

Ms Cronk: Do you have any knowledge about that at all, with that information in hand, in the sense of whether it was raised with you by any member of your staff or anyone else prior to the meeting on June 17?

Mr Brian Sutherland: Not to my recollection. Again, I was out of town the night before. I came in the morning of the 17th. I obviously had the memorandums from Ms Redmond, but I do not recall specifically looking at the conflict-of-interest guidelines at that time.

Ms Cronk: Nor do you remember, I take it, anyone bringing them to your attention.

Mr Brian Sutherland: No.

Ms Cronk: Mr Sutherland, did you or, to your knowledge—and in asking this question I'm not suggesting to you that I have any information suggesting that you did—did you or anyone else, to your knowledge, from your office have any contact with the crown prosecutor relating to these charges under the Corporations Act either before or after that meeting of June 17th?

Mr Brian Sutherland: No.

Ms Cronk: Thank you very much, sir. Those are my questions. No doubt the caucus members will have some.

The Chair: Mr Sutherland.

Mr Kimble Sutherland: Thank you, Mr Chair. Mr Sutherland, I have a few questions and I want to start a little bit with the compliance review process. Did you or your ministry do a detailed and thorough compliance review of the Van Lang Centre?

Mr Brian Sutherland: We did a detailed and thorough compliance review according to a format that we had developed over the years. Following that format, we did a reasonably thorough review.

1220

Mr Kimble Sutherland: So this was the standard ministry compliance review process?

Mr Brian Sutherland: Yes, it is.

Mr Kimble Sutherland: Okay. And what were the, in your opinion—let me go to the next question. Were you made aware that both Ms Luu and Ms Pretty had concerns with the results of the compliance review?

Mr Brian Sutherland: Yes.

Mr Kimble Sutherland: Okay. And what were the concerns they expressed regarding the compliance review?

Mr Brian Sutherland: Well, when it was tabled on February 8, given the tenor of the meeting and way things turned, it was clear to my representatives that there was some unhappiness with what had been presented. My sense of that is that that discontent related to our not being able to deal with issues that I suppose we felt were more of a board responsibility than a ministry responsibility.

Mr Kimble Sutherland: Did any of the evidence they furnished you cause you to doubt the results of the compliance review?

Mr Brian Sutherland: No. I believe I said yesterday that I have a high degree of confidence in my people, and even though the review was carried out over a period of time, which was not something we wanted to do, but given staff resources that was the only way we could it, I felt reasonably confident that our people had looked at all the things they should have looked at.

Mr Kimble Sutherland: But you are also aware that Ms Luu and Ms Pretty wanted the ministry itself to take more action against the board and specifically Dr Can Le?

Mr Brian Sutherland: Yes.

Mr Kimble Sutherland: Okay. With respect to that, did Ms Luu and Ms Pretty outline their specific concerns with the compliance review?

Mr Brian Sutherland: If they did, they did not to me directly.

Mr Kimble Sutherland: Okay. You may be aware that Ms Luu and Ms Pretty, I believe, have outlined their concerns regarding the issue of tenant placement.

Mr Brian Sutherland: Yes.

Mr Kimble Sutherland: Was tenant placement one of the issues as part of the compliance review?

Mr Brian Sutherland: Yes, it was.

Mr Kimble Sutherland: And do you recall what their

concern was regarding tenant placement?

Mr Brian Sutherland: Yes. To me, the issue of that time was the arrangement that was supposed to be in place between the local housing authority and the non-profit housing corporation, and the issue was whether in fact the non-profit housing corporation had been receiving referrals from the housing authority.

Mr Kimble Sutherland: And as part of that compliance review, did the ministry check with the local housing authority?

Mr Brian Sutherland: The ministry checked extensively with the housing authority and found that in the initial rent-up, in fact more applicants than were actually required were referred to the non-profit: 17 applicants, according to our information, were housed from the housing authority's referral in that instance.

Mr Kimble Sutherland: So from your sense, the board was operating appropriately regarding tenant placement, as a result of what was found out in the compliance review?

Mr Brian Sutherland: Well, it's one thing to refer on rent-up, but then of course there's an additional requirement that after rent-up, one of every two deep-core units must be referred to the housing authority. We sensed that there wasn't a complete or clear understanding of that. Obviously, that had not been followed, so we drew that to the board's attention.

Mr Kimble Sutherland: Okay. In terms of after a compliance review is done and it's brought to the board, you've indicated that you offered your staff to attend meetings with the board and to discuss items of the compliance review?

Mr Brian Sutherland: Actually, I did that on December 30th when I arrived unannounced at a board meeting. I did recommend or offer the services of our staff member to attend future meetings of the board, and that was confirmed again when the compliance review was presented on February 8.

Mr Kimble Sutherland: And is it fair to say that some of the items in the compliance review would have taken some period of time to be resolved?

Mr Brian Sutherland: Yes.

Mr Kimble Sutherland: Do you recall what some of those items might have been that would take some time?

Mr Brian Sutherland: Well, in terms of some of the issues that we felt might have been impairing the board's ability to function, obviously we were concerned about the amount of time that was being spent on certain issues and perhaps not on progressive reporting so that the board could have a full and immediate knowledge of what was happening. We were concerned about that.

We also realized that, given the fact that the building was either full or near to being full, we had to bring to the board's attention the importance of applicants being referred for every deep-core unit, but we realized that would take time to sort itself out.

Mr Kimble Sutherland: And even though this would take some time, you were still made aware by Ms Luu and Ms Pretty that they had concerns about the process?

Mr Brian Sutherland: Yes, I believe at least Ms Pretty in her letter of March 1 and 4.

Mr Kimble Sutherland: You've also given indications that you thought some of the difficulties hampering the board were what you've described maybe as internal? Sorry, I should say, would you say it's fair that some of them you felt were internal issues?

Mr Brian Sutherland: Yes. We felt under the articles of incorporation that the board members had certain responsibilities to deal with, and to a certain extent we had great difficulty dealing with them.

Mr Kimble Sutherland: Is it normal ministry process, at least within your region, that if there are internal processes the ministry does not try and get involved directly with those internal processes?

Mr Brian Sutherland: Well, that's difficult to say. We can facilitate and be helpful, but to a certain extent these corporations are self-governing and certain responsibilities are theirs.

Mr Kimble Sutherland: Is it fair to say, then, that the ministry would point out these concerns or difficulties but would not normally be trying to take sides in resolving these internal processes?

Mr Brian Sutherland: That's correct.

Mr Kimble Sutherland: And was it your view that this also should occur regarding the Van Lang Centre, once it had been identified that there were certain internal processes, that the ministry should not be taking sides?

Mr Brian Sutherland: Well, we felt we were getting expressions of goodwill and a willingness to cooperate with us from the board as a whole and honestly felt that there was an intent on their part to comply with what we wanted the board to do. So in that context, we were quite prepared to let them deal with some of those issues that we felt were internal among themselves.

Mr Kimble Sutherland: Okay. It's also in the evidence you've given that there were several requests for the minister to meet with the board and that on several occasions, including January, March or April, it was recommended that the minister not meet with the board?

Mr Brian Sutherland: That's correct.

Mr Kimble Sutherland: And that all the memos indicating that, that the minister shouldn't, predate the memo under tab 46, the May 18th one, advising that the minister should meet with the board? That's in exhibit 1, volume 2.

Mr Murphy: I'm not sure I understood that question.

Mr Kimble Sutherland: Maybe I can clarify. I guess I was just trying to establish—the memos advising the minister meeting with the board all predate May 18th?

Mr Brian Sutherland: Advising the minister not to meet with the board?

Mr Kimble Sutherland: To meet with the board all predate the May 18th memo?

Mr Brian Sutherland: Yes, they do, but those recommendations are that she not, I believe.

Mr Kimble Sutherland: Yes, sorry. That's right. Maybe I'm not being clear. Let me repeat that one more

time. All the memos that advise the minister not to meet with the board predate the May 18th memo of advising that the minister will meet with the board?

Mr Brian Sutherland: Yes.

Mr Kimble Sutherland: Thank you. I think that's all the questions I have for right now, but can I pass rather than bank for the time being?

The Chair: Yeah. You've got 10 minutes left.

Mr Kimble Sutherland: All right.

1230

Mr Callahan: Mr Sutherland, I can have some sympathy for you here as a career civil servant giving evidence before a television camera, with your minister probably watching the proceedings.

You said something that struck me as rather significant. You said about the memo that you made June 17th, shortly after the meeting with the minister, that it was important that day, and then you made a more detailed memo in July when, I think if you look at your detailed statement—I don't know whether commission counsel went through this, but you'll agree that nowhere in that detailed memo is there any mention whatsoever in the vein of your shorter memo of June 17th, namely, that there was some discussion about the legal proceedings. Do you agree with me?

Mr Brian Sutherland: That's correct.

Mr Callahan: Why is that? Let me set the stage. Did it have anything to do with the fact that on June 17th, although there had been press reports, there had not yet been a referral from the Legislature to a standing committee? At the time you did the detailed report, there had been a referral to the legislative committee, and can I kindly suggest that the detailed statement of July that you did was really what we would call damage control? Is that a fair statement?

Mr Brian Sutherland: I don't think I would categorize it that way. It was something I should have done earlier, but—

Mr Callahan: All right. If you're not going to categorize it as damage control, why did you not include what you had said in your memo of June 17th in your more detailed memo in July? Why is it not in there? Why did you leave it out?

Mr Brian Sutherland: Because I didn't feel it was something that needed to be addressed.

Mr Callahan: I see. So it wasn't that you forgot to put it in; it was the fact that you didn't consider it to be important at that time.

Mr Brian Sutherland: That's right.

Mr Callahan: Well, if I suggest to you, Mr Sutherland, that in the detailed memo that you did in July at home on your computer—you knew that you'd made this memo on June 17th, you knew that you'd referred to the termination of legal charges, and you didn't think it was important to put that in the detailed memo that you prepared? Is that what you're telling this committee?

Mr Brian Sutherland: I'm telling this committee that at the time I printed that memorandum on June 17th, there were a lot of things that seemed to be relevant and

important at that time. Again, had I known that note was going to be widely circulated, like it was, I might have used different phraseology. But to me, I was just trying to bring my staff up to date on what the main elements of the meeting were and the fact that there might be a resolution to the issue.

Mr Callahan: Mr Sutherland, with respect, you haven't answered my question, because at the July memo being typed at home, you knew—

Mr Brian Sutherland: It was typed in the office.

Mr Callahan: I thought you said you did it at home. Wherever you typed it, at that time you knew there was going to be a legislative committee hearing, this event. It had been referred, the last day of the sittings in June, to the Legislative Assembly committee. Is that right?

Mr Brian Sutherland: Yes.

Mr Callahan: Okay. And then you prepared a detailed statement, and you have admitted now under oath that you left out the phraseology you used in the June 17th memo, which clearly dealt with the issue that had been referred to the Legislative Assembly committee: Was there in fact discussion about the withdrawal of charges by the minister?

Now, I find that absolutely astounding, that you would not have considered that to be important in your July memo. Can you comment on that? You've told us you remembered it, but you didn't consider it to be important to put in the July expanded memo. Why?

Mr Brian Sutherland: Frankly, because when I did my note on June 17, I was attempting in the best way possible to provide my staff with a context for where things were. I know they made reference to charges and their being considered in the future, but I didn't feel it important to include that in my later notes.

Mr Callahan: But Mr Sutherland, this is a briefing presumably to all involved, who are going to want to know what went on in that meeting so they can answer questions properly here—

Ms Cronk: Excuse me, Mr Callahan. In fairness to the witness—I don't mean to use your time, but that's not his evidence with respect to the purpose of those July 14th notes.

Mr Callahan: In any event, I think we can assume that he didn't just type them up for his own consumption. That's right, isn't it? That wasn't just your own little memo, was it? That was going to be circulated to people, wasn't it?

Mr Brian Sutherland: It was going to be circulated to people who had been actively involved with the file, yes.

Mr Callahan: Right, and people who would be subsequently actively involved in the file, ie, being called here as witnesses. Is that right? Yes or no?

Mr Brian Sutherland: There was that possibility, I suppose.

Mr Callahan: There was that possibility. All right, if there was that possibility and we knew that the terms of reference had now been struck and the matter had been referred to the Legislative Assembly specifically to deal

with the question of whether or not the minister had asked the charges be withdrawn or whatever the terminology she used was, and you didn't include it in that memo that was going to be distributed to the people who were involved in this file—that's what you're telling us.

Mr Brian Sutherland: Could you repeat that question, please?

Mr Callahan: Well, you're telling us that the terms of reference had been struck. The matter had been referred to the Legislative Assembly committee as of the last day of June or the last sitting day of June. You wrote this on July 14th. You've told us it was to be circulated among those people who would be involved with this file, including people who perhaps would be called before the committee, and you did not consider it important to include the terminology that you had used on the 17th of June, which apparently was the most important feature that you gleaned from the meeting, ie, that, "In any event, I believe that the minister was able to convince Sharron and the other board members to work towards a resolution of the matter prior to the charges being considered by the court early next month." You didn't consider that important to put in that more detailed memo?

Mr Brian Sutherland: No, I didn't.

Mr Callahan: I find that incredible. I have other questions, but my colleagues have questions as well. I'll pass to Mr Chiarelli.

Mr Chiarelli: Thank you. Mr Sutherland, you're the senior bureaucrat for the ministry in eastern Ontario, a very important position. You attended the meeting of June 17th, and I have come to the tentative conclusion at this point, and I want to get some confirmation from you, that this was a politically driven meeting initiated through the minister and the minister's political staff. In particular, you are already referred to exhibit 1, volume 3, tab 65, which is the memo from political staff Karen Ridley to political staff Rob Sutherland notifying various people of the June 17th meeting and indicating that, "Bill to make sure every board member knows." So basically the bureaucrat in your office, Bill Clement, was to notify these people and this was done essentially on the instructions of political staff.

You have admitted that you attended the meeting. You as the senior bureaucrat in eastern Ontario did not have an agenda. You did not know what was going to be discussed. Indeed, you hadn't even been properly informed sufficiently so that you went to the wrong place for the meeting initially.

Mr Brian Sutherland: That was my mistake.

Mr Chiarelli: Well, in any case, I think the facts that I've outlined are sustained by the evidence to date. So I've tentatively concluded that it's a minister-driven meeting and it has a political connotation rather than a ministry connotation. How do you feel, as the senior bureaucrat, being asked to go to a meeting in which you were not even given an agenda and you didn't know what the subject matter was going to be?

Mr Brian Sutherland: Well, I felt that we knew some of the issues, having provided briefing material on a fairly regular basis for the previous few weeks. So I

certainly knew what the issues were in a general context.

Mr Chiarelli: But you had no agenda.

Mr Brian Sutherland: I didn't feel uncomfortable going to the meeting.

Mr Chiarelli: You didn't know whether this was a formal board meeting. The evidence is that there were no formal notices gone out to directors. There were a number of people who were invited, but they were not invited technically as a board meeting. But I'll leave that question for now and I want to go on to another one.

Evelyn Gigantes, the Minister of Housing, basically is your boss. Given the nature of these hearings, the fact that she's your boss, does your attendance here give you any level of discomfort, given the nature of the questions that necessarily would have to be asked of you?

Mr Brian Sutherland: Well, it's not a way I'd like to spend every day, I can assure you.

1240

Mr Chiarelli: Let me ask an additional question. Your memo of June 17th indicated that you felt the meeting was an "ordeal." You've indicated that you have 10 years' experience in the ministry. You're the senior bureaucrat in eastern Ontario and you found the meeting an ordeal. Do you think it must have been an ordeal and there must have been pressure on Sharron Pretty, who was a first-time board member of a non-profit housing corporation being summoned to a meeting? Given the nature of the communications which have been indicated in the evidence here, you having felt that as an ordeal, how must it have felt for Sharron Pretty, in your opinion?

Mr Brian Sutherland: Well, frankly, when I used that expression, that I felt it was an "ordeal," my thinking was that those staff members who were receiving that memorandum had been at similar meetings of that non-profit housing corporation involving the parties, and in many respects some of the things that were said at the meeting on June 17th and many of the dynamics of the meeting were very similar to what they had experienced at meetings that they had attended. That was my thinking and, you know, maybe it was an inappropriate word, but that was my thinking behind it.

Mr Chiarelli: One last, very short question: In your letter of June 15, 1994, exhibit 2, tab 54, to Dr Chi you said: "It is also premature to judge the outcome of the current state of affairs. In these circumstances, it is my advice that we all stand back until the charges have been..." proceeded "through the justice system. Do otherwise may be seen as interfering with due process." What is it in your information or experience bank that would lead you to write that in a letter?

Mr Brian Sutherland: Well, number one, we had had some dealings with the other group over the years, and I wanted to be sure that I didn't impose views or assistance on a situation that may not have been appropriate at the time, and I felt that this was a third-party intervention, a party that had no direct involvement in this non-profit, and that really given the information that they provided to me in their letter about charges—

Mr Chiarelli: If I can interrupt just for a minute, because I'm just about out of time, I wanted to bring to

your attention the fact that you said in your letter "that we all stand back until the charges have been processed..." You didn't say that third party stand back; you said "we all stand back" because of the judicial process. I want to know what it is in your experience or information bank that would lead you to conclude that "we," meaning everybody that's involved presumably, should stand back. What would lead you to write that?

Mr Brian Sutherland: Well, that was my feeling at the time and the use of the royal "we"—I suppose I used it in that sense.

Mr Chiarelli: Thank you.

Mr Murphy: I think you testified that in your view one of the options, I guess—that they were left with no option for resolution of this issue perhaps but with a meeting with the minister. I think you said that at some point in terms of what—

Mr Brian Sutherland: Yes.

Mr Murphy: —could happen at the Van Lang Centre. I assume from that that a satisfactory resolution coming out of that kind of meeting would include a dropping of the charges or a conclusion where the charges were resolved outside of court and the current directors, including Ms Pretty, could begin working together.

Mr Brian Sutherland: Yes.

Mr Murphy: I assume that that would be not only a satisfactory resolution, but would probably be—a purpose of the meeting would be to achieve that goal?

Mr Brian Sutherland: That may have been, yes. I—

Mr Murphy: It may have been? You mean, it's certainly likely that that was the purpose of the meeting?

Mr Brian Sutherland: Well, I again differ. I really feel that the purpose of the meeting was to do what could be done to get the parties together. I mean—

Mr Murphy: I would suspect that getting the parties together would have to include resolving outstanding court cases between the parties before them going to court. I mean, that only makes sense.

Mr Brian Sutherland: It may have involved or it may have precipitated a reconsideration of those things. I mean, that's certainly possible, yes.

Mr Murphy: You'll agree with me that part of the issue is the removal by the board of Sharron Pretty as a director?

Mr Brian Sutherland: Yes.

Mr Murphy: And that a satisfactory resolution would include dealing with the issue of that resolution?

Mr Brian Sutherland: Yes.

Mr Murphy: And dealing, in any event, with the issue of the charges?

Mr Brian Sutherland: Can you pose that question a little bit more clearly?

Mr Murphy: Well, you agreed that the way of resolving the issue, one way—part of it—is to deal with the issue of the motion to remove Sharron Pretty as director. You agreed that that is part of the resolution, a satisfactory resolution.

Mr Brian Sutherland: Yes.

Mr Murphy: And that, in addition, part of a satisfactory resolution would be dealing with the issue of the charges.

Mr Brian Sutherland: Yes, bearing in mind that it was still going to be up to Ms Pretty what she did, I mean, you know.

Mr Murphy: Oh, absolutely, but a satisfactory resolution would be Sharron Pretty deciding not to proceed. I'm not saying that you would go to the crown or anybody in the ministry would go to the crown. Sharron Pretty has to come to that conclusion, but her reaching that conclusion is part of a satisfactory result.

Mr Brian Sutherland: I suppose that would be a good result. Yes.

Mr Murphy: Now, I would like you, if I have even a minute, to turn to tab 79.

Mrs Marland: In what?

Mr Murphy: In exhibit 1, volume 3. This has got the fax cover page from Patti Redmond to you with the two memos attached, one of them dealing with Ms Pretty's court cases and the other with the issue of how a board can remove a director.

Mr Brian Sutherland: Yes.

Mr Murphy: And these were sent to you prior to the June 17th meeting?

Mr Brian Sutherland: Yes, they were.

Mr Murphy: The first memo talks about the court cases, Ms Pretty, and then goes on to reference specifically the second memo dealing with the removal of the directors. Right on the first page there, after the fax sheet.

Mr Brian Sutherland: Mm-hmm.

Mr Murphy: So you have a memo in which the charges and the removal of directors are dealt with in the same page prior to the June 17th meeting.

Mr Brian Sutherland: That's right.

Mr Murphy: And you would agree with me that it's sensible to conclude that the preparation of these memos would be done, in part, for preparation by staff and the minister for the meeting on the 17th.

Mr Brian Sutherland: I think there was an attempt made to clarify just what the issues were, and I suppose they're best reflected in these memorandums, yes.

Mr Murphy: And that would be for the purpose of the June 17th meeting.

Mr Brian Sutherland: Yes.

Mr Murphy: So it would be then clear that the two issues, removal of a director and the status of the charge, are linked ideas in this memo prior to the June 17th meeting.

Mr Brian Sutherland: Well, I sense they were an attempt made internally to clarify the issues. I don't know that I understand the connection that you're making.

Mr Murphy: Well, I guess what I'm trying to get at, and I'll put it to you straight out, is that it strikes me that this leads to a conclusion that prior to the June 17th meeting there was a clear understanding that dropping the charges and getting rid of the motion to remove Sharron

Pretty was within the mind of the ministry people and the minister prior to the meeting and that attendance at that meeting was in part done to achieve that very goal. Those two things were linked ahead of time, and the meeting was intended in part to raise those issues as linked ideas at the meeting on June 17th.

Mr Brian Sutherland: Well, I can't comment on that, because certainly that was not my thinking on the meeting.

Mr Murphy: But it could be others' thinking, if not yours?

Mr Brian Sutherland: I suppose it could be.

1250

The Chair: Okay, Mr Murphy, time's run out, and we go to the third party and we have Mr Harnick first.

Mr Harnick: Thank you. Sir, is it safe to say that as we moved from January, or December 30th, when you began attending meetings at Van Lang, and we move towards the June 17th meeting, this problem at Van Lang was getting bigger and bigger and bigger? Is that safe to say?

Mr Brian Sutherland: I think the problem involving people was getting bigger and bigger and bigger.

Mr Harnick: And in fact, as the senior bureaucrat in the Ottawa area, you were trying to deal with this problem in-house, so to speak, and confine it and deal with it and solve the problem among your own ministry staff. Is that correct?

Mr Brian Sutherland: That's correct.

Mr Harnick: By the time the June 17th meeting came along, it appears to me, from reading all of the documentation, that there were people in Toronto, both political staff and senior bureaucrats, who felt that the situation had not been resolved, and accordingly, they were taking steps to have a meeting with the minister. Is that correct?

Mr Brian Sutherland: I don't know whether it's correct. I suppose that would be a fair assessment.

Mr Harnick: In fact, you, all the way along, wanted to solve this problem without that intervention, correct?

Mr Brian Sutherland: I felt we were working towards a resolution, yes.

Mr Harnick: Then intervening were the charges that Ms Pretty had laid, which in your mind, I would state, really changed your assessment about the nature of this whole problem. Is that correct?

Mr Brian Sutherland: I'm not sure I understand your point.

Mr Harnick: Well, once those charges were laid, you yourself appreciated that this situation had become, for want of a better term, a dangerous situation.

Mr Brian Sutherland: I suppose that would be true, yes.

Mr Harnick: In fact, in your own mind, once charges are laid—as a senior, seasoned, experienced bureaucrat, you yourself would recognize that once charges were laid, it's part of your job to isolate the minister from getting involved in any aspect of a charge before a provincial or any court. Is that correct?

Mr Brian Sutherland: Well, anything that I felt was not in the minister's best interests, of course.

Mr Harnick: And certainly, in your view, the minister coming to Ottawa to meet at this particular meeting was something that was not in the best interests of the minister. Isn't that correct?

I'll make it a little easier for you. To be perfectly fair, nobody asked you, and accordingly you were told to come to a meeting, and you had to come to the meeting because you were, in a sense, summoned to be there. But no one asked you your opinion, and had they, it would have been your opinion that this was not in the best interests of the minister. Is that correct?

Mr Brian Sutherland: It may have been. I—

Mr Harnick: Well, certainly it was your opinion when you wrote a letter on June 15th.

Mr Brian Sutherland: Yes, again—

Mr David Winninger (London South): Point of order through the Chair to our counsel: Is it appropriate in this forum to be asking hypothetical questions to elicit hypothetical answers?

Mr Harnick: There's nothing hypothetical about that question and I resent your interruption.

Mr Winninger: No, I'm sorry. Can I complete my point of order?

Mrs Marland: Could we have the time, Mr Chair?

The Chair: I've got it shut off.

Mr Winninger: The point of order was this: If the question is phrased "if," in a hypothetical fashion to elicit a hypothetical answer, I'm asking for advice from our counsel whether this is an appropriate line of questioning or whether the witness could be excused from making hypothetical answers.

Mr Harnick: It's cross-examination.

Ms Cronk: If the question is hypothetical, then I have some difficulty with the question being posed. As I wrote it down, I didn't hear it that way, but it's quite possible I wrote it down incorrectly. But as a hypothetical question, the traditional rule, in proceedings of this kind, is that can only be put to experts, and if Mr Harnick intended it as an opinion to an expert bureaucrat, you're into a different debate.

The Chair: Mr Stupart, I believe you have an opinion.

Mr Stupart: Yes, it was posing a situation which hadn't occurred and therefore you can't expect a witness who is testifying purely as an administrator rather than as a professional expert to answer something which would be within a professional knowledge. This is posing facts which didn't exist and therefore weren't considered and therefore can't be answered.

Ms Cronk: Maybe, Mr Chair, the matter could be resolved if Mr Harnick can put his question again. Our understanding of the question was that the first may have caused some problem, but the second, as I heard it and wrote it down, wasn't hypothetical. But again, I may not have written it down correctly. I leave that to Mr Harnick.

Mr Harnick: Sir, would you agree with me that for a minister to go to a meeting in the face of charges before a court would be a dangerous situation? Would you agree with that?

Mr Brian Sutherland: I would say it would be perhaps an undesirable situation.

Mr Harnick: Close enough. I want to deal for a moment with the actual meeting. You've told us that you don't recall specifics of what was said and what wasn't said, but I'm sure you read the Ottawa newspapers, and on the 20th of June, there's a comment from the minister where it says, in an article by Dave Rider, "Gigantes said yesterday she only laid options on the table and did not pressure either side to take any action."

"I said [talking to the crown] is a possibility and I presume it is, but I don't know," she said." You weren't surprised when you saw that in the newspaper?

Mr Brian Sutherland: Frankly, I was surprised, yes.

Mr Harnick: She said that at the meeting and you don't deny that she said that.

Mr Brian Sutherland: I don't remember her saying that.

Mr Harnick: All right. I just want to deal with one other aspect before I turn this over to my colleague. One of the things you said in your memo, at tab number 90, the Friday June 17th memo two hours after the meeting. You said, "There seems to be more willingness to resolve matters in house although Sharron remains unpredictable and could sabotage things on short notice."

Sir, the reason you thought that she could sabotage things was because everything that happened at this meeting was predicated on her withdrawing the charges, and if she changed her mind, you were back to square one. Is that correct?

Mr Brian Sutherland: That phraseology, again, I wish that I had not used, but having dealt with Ms Pretty and having had my staff deal with Ms Pretty, I felt that it was difficult to predict what her reaction to any suggestion might be.

Mr Harnick: In fact, the minister seemed to have reached the stage at this ordeal of a meeting where she was almost at a point where it was felt that Ms Pretty might withdraw the charges and then everybody could move on from there. Is that correct?

Mr Brian Sutherland: I think there was an agreement near the end of the meeting for people to reconsider their positions.

Mr Harnick: And that position with Ms Pretty amounted to her withdrawing her charges. Is that correct?

Mr Brian Sutherland: That's not the way I remember it.

Mr Harnick: What sabotage then could there be? I want you to tell me what sabotage there could be other than the fact that she would change her mind and not withdraw the charges. You used the word; you now tell us what sabotage there could be.

Mr Brian Sutherland: I think it's an inappropriate use of the word—

Mr Harnick: No, I'm not asking for—

Mr Brian Sutherland: —but I was simply saying that the arrangements may or may not proceed because, based on our experience with Ms Pretty, that was very unpredictable.

Mr Harnick: And what arrangements were those?

Mr Brian Sutherland: To meet at a future date.

Mr Harnick: So all you were worried about here was that Ms Pretty might decide not to come to another meeting?

Mr Brian Sutherland: That was my primary concern.

Mr Harnick: And that would sabotage everything?

Mr Brian Sutherland: Obviously, if she wouldn't meet, that would take things back to where they were.

Mr Harnick: All right. Those are my questions.

1300

Mrs Marland: Mr Sutherland, I'm concerned that in your evidence today you're talking a number of times about this memo that you wrote two and a half hours after the meeting. A number of times you've said those are not words that you would have used; your actual words were, "Had I known it was to be distributed far and wide, I would have used other wording." I'm very concerned that the most senior bureaucrat in the Ministry of Housing in Ottawa has one lot of wording for internal memos and another selection of wording for material that might become public. What does that indicate about how you do your job?

Mr Brian Sutherland: I suppose it indicates that I'm prone to saying things or writing things internally that may sometimes be my view of things. They may be somewhat of an exaggerated view. I—

Mrs Marland: So when you write something that is external—as you did one month after the meeting, which was to be the official summary of your recollection of that meeting, and you selectively chose to omit the key point of what this hearing is all about, this hearing that has been criticized because it's costing the taxpayers a great deal of money—when you choose to omit the main focus of this hearing on the 14th of July, when you're writing your recollection, after this hearing has been set to look into the question of conflict of interest, you then write your recollection of that meeting without making any reference to any discussion about charges. And yet, two and a half hours after the meeting on the 17th of June, you did write an internal memo that refers very clearly to the matter of charges.

So I ask you again, are you misleading the public—and you are a senior bureaucrat; you're accountable to the public of this province, not only your minister—are you misleading the people in this province by writing two versions of what happened at a meeting?

Mr Brian Sutherland: No, I don't feel I am. I was simply trying to let my staff know in the vernacular, and again, the expressions used might not have been appropriate, but—

Mrs Marland: Okay, so—

Ms Cronk: Let him finish, Mrs Marland.

Mrs Marland: Sorry.

Mr Brian Sutherland: But I was simply trying to

give them a recap, as I saw it at that time, of the meeting.

Mrs Marland: So do you feel that your obligation is greater to your staff than to the people of this province, so that when you come to write a résumé of the meeting that's going to become public, you selectively choose to ignore the inclusion of something that you thought was important to the staff, which, there's no question, in reading it, was the only focus of that meeting, in terms of your recollection on the 17th of June, the day that you wrote the memo?

Mr Brian Sutherland: When I was thinking about the charges, I was thinking about them being heard and I was thinking about there being an opportunity between the time of the meeting on the 17th and those charges being heard. I didn't know whether they would or wouldn't be heard. I just used that as an example of, here is a time period that, you know, parties may be able to get together.

Mrs Marland: So on the 14th of July, when you write your in-depth—not just a brief e-mail—when you write your in-depth recollection, you choose to ignore the fact that charges were discussed. Is that selective editing on your recollection of that meeting on the 17th?

Mr Brian Sutherland: No, it was not. I don't feel it was.

Mr Stupart: That wasn't his evidence.

Interjections.

Mrs Marland: I would like to ask you, Mr Sutherland: You were shown files this morning which came from your ministry files, actually, which we have not seen yet. In those files, you saw a number of documents, and they included the conflict-of-interest guidelines. Our counsel showed you these files. Would the various staff who put those files together and sent them to you as a package, including the conflict-of-interest guidelines dealing with this meeting on the 17th of June—would it be your assumption that the same package of material would have gone to other people?

Mr Brian Sutherland: I don't know.

Mrs Marland: I haven't seen the files. Is there any indication on the files that they were circulated, including to the minister's office?

Mr Brian Sutherland: I don't know that.

Mrs Marland: Are most of the things that are sent to you copied, to use your own expression, "far and wild"?

Mr Brian Sutherland: Far and wide?

Mrs Marland: Well, it seems that everything that we have from the ministry, everybody's copied on everything, and that seems to be a normal circulation route.

Mr Brian Sutherland: I'm just not understanding your question, Mrs Marland.

Mrs Marland: Okay. Well, I'll go to another question.

The main concern of Ms Luu and Ms Pretty all along has been that the Van Lang Centre has been operating out of compliance with your ministry's own guidelines. Setting aside what you and your staff refer to as—in fact your answer was that: "The problems were overstated, most of the problems were beyond the scope of their

mandate, and we felt we'd been doing our best. It's a self-governing corporation." This is how you've described the Van Lang Centre.

Mr Brian Sutherland: Yes. Well, to a certain extent, yes.

Mrs Marland: One of the major concerns that was—and by the way, this is the material. These are copies of the material, the in-depth reports that went to you, Mr Clement and all the staff in Ottawa.

Mr Brian Sutherland: Yes.

Mrs Marland: In this material there is a reference to the fact that one of their main concerns is about the lack of an operating agreement and the incorrect vision, to use their words, of Dr Can Le's tenant selection.

I would like to bring to your attention the fact that the auditor's report of 1992 had the same concerns as Ms Pretty and Ms Luu, and that was before their involvement with the Van Lang Centre. In the auditor's report, he addresses the fact that accountability is a major concern for him in this program. He addresses the fact that a lack of operating agreements is a major concern.

In your ministry guidelines for the operation of non-profit housing corporations, there is a requirement for written agreements in a number of areas, and one of those happens to be tenant selection.

You stated in your evidence yesterday that you agreed with the statement of background facts where tenant selection for a certain category of tenants, those that come from the local housing authority, has to be 50%—has to be, pardon me, 20%—and yet the selection of tenants according to the ministry guidelines is in fact 50%.

Do you think that your staff for whom you are responsible—Mr Shapiro, Ms McCredie and Mr Clement—have been doing their job, when we now know that the ministry guidelines have not been adhered to; and when problems arose, why would you not have insisted that's the first remedy, that there be an operating agreement signed with this corporation? Would you not then have saved all the expense of this hearing, all the embarrassment of the risk to your minister being challenged with a conflict of interest? Do you not see it as your responsibility for all of those things that are in contravention to your own ministry guidelines for non-profit housing corporations? Do you not see it as your responsibility that you could have saved the cost of this hearing, let alone the embarrassment to your minister going to a meeting, which you yourself have identified is something we should all hold back from because there were pending court appearances?

Mr Brian Sutherland: Well, in answer to your first question about compliance review and what the requirements are, under the Homes Now program, at least a minimum of 40% of the Homes Now project were required for deep-core households. In this case that would have amounted to 28 units, and of those 28 units, half should be referred by the local housing authority. According to our information, according to all the information we have, that was done. That was done in the first instance, and there have been referrals since last August,

since we conducted our compliance review. So according to the guidelines under this program, it's our view that the group is complying with our requirements.

1310

Mrs Marland: And the rest of the question, the operating agreement?

Mr Brian Sutherland: As far as the operating agreement is concerned, I know that the deputy made a presentation before the public accounts committee a year ago and undertook to have a final operating agreement for all provincial unilateral programs by the end of 1994. That agreement now is in the final stages of development, and as soon as it has been completed—because it does involve some consultation with people involved in the non-profit housing activity—as soon as that agreement is finalized we will be, without delay, going out and signing agreements with all non-profit housing corporations that have been funded under the unilateral programs.

Mrs Marland: And the last question: Could you have saved the expense of this hearing and the embarrassment to your minister if your staff, and you in particular who are responsible for those staff, had done your job so that this whole scenario had never gone down that slippery slope?

Mr Brian Sutherland: Well, I honestly feel that my staff had done their job and I'm confident that our work at that non-profit housing corporation will prove beneficial in the long run.

Mrs Marland: You're not concerned about the absence of an operating agreement, and a compliance report that refers to "reconciliation of bank statements has not been completed for eight months, blank cheques are pre-signed by both the signatories to that cheque, current financial statements are not routinely tabled at board meetings"—you're not concerned about any of those things enough to have an operating agreement? Because you, in your evidence yesterday, referred to contractual agreements.

Mr Brian Sutherland: Yes.

Mrs Marland: And you do not have, as I understand, a contractual operating agreement.

The Chair: Ms Marland, your time has run out.

Mrs Marland: I just want him to answer that question.

The Chair: Okay, can you answer, sir?

Mr Brian Sutherland: We do not as yet have an operating agreement for this particular project, but we will have very soon.

The Chair: Mr Sutherland, you had one more question?

Mr Kimble Sutherland: Yes. Actually, I just had a couple.

Mr Murphy: Point of order, actually, if I can, Mr Chair: I think we agreed that we could bank our time. I don't remember there ever being agreement that you could save your time to jump over a rotation. My understanding of the practice is you go—you have been rotating by order of who starts and there never was agreement that we could do that.

The Chair: Being Chair of many committees, we've practised always—

Mr Murphy: On this committee.

The Chair: Okay, I know. I realize that wasn't discussed. I know we talked about banking in the terms of reference that we had.

Mr Kimble Sutherland: Mr Chair, I understand that we didn't discuss this issue directly, but it is fairly standard procedure that if parties don't use all the time, you can come back. I've experienced that in many committees I've participated in.

Mr Harnick: The difficulty with the proposal that Mr Sutherland makes is that we go in a particular order so that on each occasion someone goes first and someone goes last and someone goes in the middle. If Mr Sutherland decides that he wants to defer his questions, he can go last every time, and that's not fair. I presume—and Mrs Marland will have something to say about that—that's why the subcommittee set up the rules that they set up.

Mrs Marland: Mr Chair, if I may speak as a member of the subcommittee: If what Mr Sutherland as a subcommittee member is suggesting were to be the case, then we're all going to be banking time because we're all wanting to rebut questions of the other members. I just cannot see, Mr Chair, that it's possible for you to manage that kind of sequencing.

The Chair: It's more difficult for the Chair, I can tell you, Mr Johnson.

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): I think if you check Hansard, you'll see that Mr Kimble Sutherland asked to just defer. At that time, there was no objection from any of the opposition members. I think it would have been appropriate for them to make that point at that time so that Mr Sutherland could have continued his questioning, rather than to defer their complaint to the point in time when he wants to raise further questions and now tell him he can't.

Mr Chiarelli: I clearly understood Mr Sutherland to say that he wanted not to use all his time. I can't recall the actual words, but I was left with the impression that he wanted to bank his time the way some of us have done on a number of occasions, which means that he could use that time for other witnesses, not as rebuttal time.

Mr Callahan: I think, clearly, if we're applying any analogy to a courtroom, you certainly wouldn't be able to hang back like that and then just keep asking questions of witnesses. I think if that's the rules that were set by the subcommittee, we abide by them. I don't know whether Mr Sutherland originally intended that he might want to ask questions, to reinstate perhaps the witness, and that's why he deferred his time. I don't know why he did it, but I certainly won't support that. I think it's unfair, totally unfair.

Mr Murphy: It is a new point. In fact, we discussed the issue of re-examination in the subcommittee—at one I was at, in any event—specifically. In that context, it was only that counsel was doing re-examination, reserved the right to do that after we did our rotation. So the issue

was addressed. At no time was there an agreement that what Mr Sutherland MPP is now asking could be done. I think, you know, it's going to lead to an untenable situation where each of us tries to save a little bit of time so that we can go after the last person, until you're down to two-second questions. This is a different committee than normal. It is intended to keep the rotation in order. So I don't think we can do it workably.

The Chair: Is there a possibility we come to an agreement that the government party has done it once, and once for the Conservatives and once for the Liberals, and we solve the problem?

Mrs Marland: No.

Interjections: No.

The Chair: There's no way of coming together? As the Chair, I'm going to have to rule. It wasn't laid out that we could defer our time, other than bank our time with another witness. So I think I'm going to rule as the Chair so we can let our witness go. He's been on the stand for quite a while.

Mr Kimble Sutherland: What about legal counsel?

The Chair: Yes, I will. I'm going to rule to the point that we use our time—if it's 20 minutes, the 20 minutes is used up by the caucus on the regular rotation. Okay? Ms Cronk.

Ms Cronk: Could you look at tab 90 again, if you would, please, Mr Sutherland: exhibit 1, volume 3.

Mr Brian Sutherland: I have it.

Ms Cronk: Do you have that, sir? I just wanted to clarify one point, Mr Sutherland, arising out of some of the questioning. Whatever else the words are and whatever else the words mean, is it correct that nowhere in this memorandum do you specifically use the words "withdrawal" or "dropping" of charges?

Mr Brian Sutherland: That's correct.

Ms Cronk: And with respect to this issue over the Ministry of Housing files and the presence on the brad, as I suggested to you, of the conflict-of-interest guidelines and certain questions put to you, is it correct that the documents in the first instance compiled for forwarding to this committee for the purposes of this hearing were compiled at the Ottawa offices, your offices, in the first instance?

Mr Brian Sutherland: Yes.

Ms Cronk: And that they were thereafter directed to Toronto?

Mr Brian Sutherland: That's correct.

Ms Cronk: And from Toronto ultimately made their way to the committee through the committee's counsel?

Mr Brian Sutherland: That's correct.

Ms Cronk: Do you know, Mr Sutherland, or are you in a position to indicate to the committee, what happened to the files or how they were organized in Toronto after they left your offices?

Mr Brian Sutherland: I'm aware that they were sent to the assistant deputy minister's office and some work was done in organizing them, but that's about the extent of my knowledge.

Ms Cronk: But were all original documents pertaining to this matter as contained on your Ottawa files sent through to Toronto for delivery to the committee through our offices?

Mr Brian Sutherland: To my knowledge, yes.

Ms Cronk: Is Ms Janet McCredie part of your staff? By that, I mean part of the Ministry of Housing staff.

Mr Brian Sutherland: No, Ms McCredie is a staff member of the Ottawa-Carleton Regional Housing Authority.

Ms Cronk: Finally, Mr Sutherland, I ask all witnesses this, either in re-examination or initial examination, and I did of witnesses yesterday: Given everything that you've said here this morning and everything that you've been asked about these events, is there anything further that you wish to say to this committee or comment upon with respect to the June 17th meeting and your recollection of it?

Mr Brian Sutherland: No, there is not.

Ms Cronk: Thank you very much, sir. I appreciate

your testimony.

Mr Brian Sutherland: Thank you.

The Chair: Thank you, Mr Sutherland, for appearing before the committee.

We're going to be taking a recess for one hour and we'll be back in here at 2:20 sharp. We're going to have a subcommittee meeting at 2:10 in room 110.

Legal counsel has a question.

Ms Cronk: I just wanted to raise with the committee through the Chair before your luncheon break my request that the committee, if possible, sit later this evening to complete certain of the evidence that we will be hearing today. I wonder if the committee could give me some direction as to its willingness to do that. I have witnesses lined up.

Interjections: Agreed.

The Chair: Agreed. Okay, recessed until 2:20.

The committee recessed from 1320 to 1436.

Report continues in volume B.

CONTENTS

Wednesday 10 August 1994

Alleged breach of conflict-of-interest guidelines	M-521
Brian Sutherland	M-526

Continued in volume B

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

***Chair / Président:** Hansen, Ron (Lincoln ND)

Vice-Chair / Vice-Président: Wessenger, Paul (Simcoe Centre ND)

Dadamo, George (Windsor-Sandwich ND)

***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)

MacKinnon, Ellen (Lambton ND)

***Mathyssen, Irene** (Middlesex ND)

McClelland, Carman (Brampton North/-Nord L)

Morin, Gilles E. (Carleton East/-Est L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

***Sutherland, Kimble** (Oxford ND)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland

Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan

Harnick, Charles (Willowdale PC) for Mr Villeneuve

Marchese, Rosario (Fort York ND) for Mr Dadamo

Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling

Murphy, Tim (St George-St David L) for Mr Morin

Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon

Winninger, David (London South/-Sud ND) for Mr Wessenger

Also taking part / Autres participants et participantes:

Stupart, Robert, solicitor, Ministry of Housing

Clerk / Greffière: Freedman, Lisa

Staff / Personnel:

Cronk, Eleanore, counsel to the committee

Hourigan, William, counsel to the committee

McLellan, Ray, research officer, Legislative Research Service

M-25B



M-25B

ISSN 1180-436X

Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 10 August 1994

Journal des débats (Hansard)

Mercredi 10 août 1994

Standing committee on the Legislative Assembly

Comité permanent de l'Assemblée législative

Alleged breach of
conflict-of-interest guidelines

Allégations d'enfreinte aux consignes
sur les conflits d'intérêts

Chair: Ron Hansen
Clerk: Lisa Freedman

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944 – 1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY

Wednesday 10 August 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 10 août 1994

*Report continued from volume A.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES
MARC COLLINS

The Chair: I'd like to welcome our next witness, which is Marc Collins. The clerk will read you the oath.

Clerk of the Committee: Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Mr Marc Collins: I do.

The Chair: Ms Cronk, your witness.

Ms Cronk: Mr Chair, members of the committee, Mr Collins is represented today by Ms Freya Kristjanson, sitting to his left. Mr Collins, good afternoon.

Mr Collins: Good afternoon.

Ms Cronk: As I understand it, Mr Collins, you are a special assistant in the office of the Minister of Housing here in Toronto. Is that correct?

Mr Collins: Yes.

Ms Cronk: On policy matters?

Mr Collins: Yes.

Ms Cronk: What is the technical description of your position?

Mr Collins: Technical description? Most people would consider it a policy adviser role. My area of responsibility covers all issues related to social housing.

Ms Cronk: And you have held that position since approximately May of 1993?

Mr Collins: Yes.

Ms Cronk: As I understand it, you're actually on secondment from the Ministry of Housing to the minister's office. Is that correct?

Mr Collins: Yes.

Ms Cronk: Previously, did you also serve as a policy adviser in the Ministry of Housing?

Mr Collins: Yes.

Ms Cronk: In what branch of the Ministry of Housing was that?

Mr Collins: The housing policy branch.

Ms Cronk: To whom do you directly report in your current position with the minister?

Mr Collins: A combination of the chief of staff and the minister herself.

Ms Cronk: Could I show you a copy of what I recall has been marked as exhibit 3. It's called Schedule of

Involved Persons, for want of a better title, and I'm going to direct your attention to the entries under D for the office of the Minister of Housing in Toronto. Do you see that?

Mr Collins: Yes.

Ms Cronk: Could you just confirm for me by taking a quick look down the list of those seven individuals that their job descriptions have been properly described, and if not, could you indicate for me if there's any changes to be made.

Mr Collins: The descriptions appear correct, though two of the names listed are people who are no longer in the office and have been replaced by other staff, some of whom have been mentioned in the hearings so far.

Ms Cronk: Who are the two who are no longer on the staff of the ministry?

Mr Collins: Number 5, Ezia Cervoni, the scheduler, what we would call the external scheduler, the person who deals with meetings that the minister has with people outside of the ministry.

1440

Mrs Marland: I'm sorry; I couldn't hear the name.

Mr Collins: Ezia Cervoni, listed as D5 on this piece of paper. She was the external scheduler until some point in April—I can't recall the exact date that she left—was replaced temporarily on an interim basis by Jenny Lam and subsequently was replaced on a permanent basis by Karen Ridley.

Ms Cronk: And the second individual?

Mr Collins: Number 6, Newton Vanriel is no longer employed in our office.

Ms Cronk: And when did he leave, if you recall?

Mr Collins: I can't recall the exact date. I think it was some time in May, but I don't know.

Ms Cronk: Of this year?

Mr Collins: Yes.

Ms Cronk: And in your position with the minister, particularly having regard to your area of primary responsibility, do you have frequent or infrequent contact with her constituency offices?

Mr Collins: Relatively infrequent, I would say, in terms of the people I deal with on a regular basis. The constituency offices are far down the list in terms of frequency.

Ms Cronk: And on matters that might arise in the minister's constituency office relating to a housing project, would you deal with representatives of her

constituency office on those kinds of issues?

Mr Collins: Yes, the constituency office staff basically funnel information to me or others in the office, or to the ministry itself on an as-needed basis, but I would not deal with them in terms of the substance or content of the issues. It would be a transferring-of-information type of relationship.

Ms Cronk: All right. And with respect to the Ministry of Housing itself in Toronto, would your contact with representatives of that office be frequent or infrequent in the carrying out of your duties?

Mr Collins: Very frequent.

Ms Cronk: Could I ask you then to look at part A of schedule 3, and if you could just take a moment again and read the names there and indicate to me if their positions are properly described. I understand there may be some change with respect to Karen Ridley, for example, but you may not be in a position to help me with that.

Mr Collins: Number 3, Bob Arseneault—I'm not sure what this is intended to mean—acting information liaison. Bob is—as far as I know, his title is manager of the information liaison section. Those are what I refer to as the briefing note people.

Ms Cronk: Any other changes?

Mr Collins: Number 7, Lucy Martins, just for the reference of the—for you and the committee, is technically employed by the deputy minister's office as receptionist, but she also acts as receptionist for our office, the minister's office. It's a joint reception desk.

Karen Ridley, of course, I've identified as the minister's external scheduler. She was previously the executive assistant to the parliamentary assistant. That of course is not a Ministry of Housing job. It's a political position.

Ms Cronk: And she's now external scheduler for the minister.

Mr Collins: Yes, but the number 8 and the person who was—if it was of any concern to include that position on the list, it should be in section D, not—

Ms Cronk: Not A.

Mr Collins: Not A.

Ms Cronk: Thank you for that. You referred a few moments ago to Bob Arseneault's department, that is, the information liaison section, as being the briefing note people. The committee has before it, Mr Collins, as perhaps you are aware, a number of documents entitled Background Notes Relating to the Van Lang Centre or Issues Concerning It, and they are dated from June of 1993 through until June of 1994. In your position with the minister would you, as part of the normal course of your duties, review background notes prepared for the minister?

Mr Collins: Yes, I always review the notes.

Ms Cronk: And would that be so whether they originated in Toronto with information liaison section staff or with Ministry of Housing representatives in Ottawa?

Mr Collins: Yes, I review the notes that pertain to my

subject area of responsibility.

Ms Cronk: So any background note dealing with a housing project issue you would review?

Mr Collins: A social housing project, yes.

Ms Cronk: And did you, with respect to the Van Lang Centre, see and review, over the course of June 1993 through until July of 1994, a series of background notes?

Mr Collins: Yes.

Ms Cronk: Once having reviewed them, would you discuss their contents from time to time directly with the minister?

Mr Collins: Yes.

Mr Harnick: Before you get into the actual factual investigation, there's one thing that I am not clear of in terms of the background of Mr Collins, and that is whether he is at present in a position that is a political appointment or whether he is a member of the civil service in his position at the present time.

Ms Cronk: Could you answer the question, Mr Collins?

Mr Collins: I'll answer to the best of my ability, and the answer is I'm both. I work directly for the Minister of Housing and I am part of the political staff of that office. My salary is paid by the Ministry of Housing and I remain a civil servant on secondment to the political office.

Mr Harnick: I understand.

Ms Cronk: Okay.

Mr Murphy: Could I just follow up? Has that always been the case throughout the piece?

Mr Collins: Throughout?

Mr Murphy: Throughout the relevant times related to what we're here for.

Mr Collins: Yes. I began in the office in May of 1993 and was first—I think the first sort of relevant incident related to the Van Lang Centre in terms of our office occurred in June. I was not aware that my predecessor had any dealings with the Van Lang issues.

Ms Cronk: I think the question was also directed to whether you were a civil servant on secondment to the political staff of the minister's office for the full period from May, let's take it from May 1993 through to date?

Mr Collins: Yes.

Ms Cronk: Just dealing then with your role with respect to the minister and your frequency of contact with her, during the course of that time frame, starting from last May when you took the position, or at least secondment began, with what regularity would you meet with the minister, how frequently?

Mr Collins: On issues related to Van Lang or in general?

Ms Cronk: General.

Mr Collins: I see the minister virtually daily when she's in the office, and part of my duties involve dealing with ministry briefings, internal ministry briefings, that occur on a regular weekly basis. We review those notes separately and then usually get together to talk about it

before the ministry briefing. I guess to be useful, I would just say I deal with her daily.

Ms Cronk: Were there set times for more formalized briefings on a regular basis with the minister? For example, did you meet every week with others involved in the office with her?

Mr Collins: No, not in that format. When there are specific meetings or briefings, we squeeze in as much time as we can to discuss the issues before the actual formal meeting occurs. Other times it's sort of—it's already been revealed that Evelyn smokes, so when she goes down between meetings or between responsibilities to have a cigarette, she's always accompanied by someone from the staff who are briefing her or questioning her or getting her opinions at that time.

Ms Cronk: I see. I take it there are occasions more formal than that for those kinds of briefings to occur on a regular basis as well?

Mr Collins: Yes.

Ms Cronk: Not just when the lady has a cigarette?

Mr Collins: No, but I'm saying that's often the time that issues of this sort are discussed. When you've got five or 10 minutes you take the opportunity to discuss it.

Ms Cronk: You take your time with her when you can?

Mr Collins: Yes.

Ms Cronk: All right. When special meetings or briefings were held, I take it it was on an ad hoc basis including as informal an occasion as the kind you just described?

Mr Collins: Yes, and usually always those kinds of briefings are a prelude to an actual ministry briefing or an event occurring. I wouldn't want to characterize the situation in that I have regular meetings with her to just discuss unspecified items or whatever is on the top of my list of things I'd like to talk to her about. She's busy enough that we basically only brief her on those things that are immediately upcoming that she has to deal with herself.

Ms Cronk: When then, turning to the concerns of this committee, Mr Collins, do you first recall becoming acquainted with the Van Lang Centre and of concerns or matters relating to that facility?

Mr Collins: That would be in June of 1993.

Ms Cronk: And would it be correct of me to suggest that from that time forward, continuing until early July of 1994 and thereafter, you had regular involvement with respect to issues concerning the Van Lang Centre in the sense of being provided with information of developments and information that came into the minister's office about that facility or issues related to it?

Mr Collins: That's correct.

1450

Ms Cronk: You may or may not be aware, Mr Collins, but the committee is operating under some rather tight time constraints at the moment, so what I am going to do is to put some general questions to you about the state of your involvement and knowledge during the first nine or 10 months of that period, and if there is anything

significant or important that you wish to point out to the committee that I don't ask you about, would you please do that. But generally, then, from June of 1993 through until December of 1993, during that period, did you become aware of the expression of concerns regarding the management practices and certain of the staff, including management staff, at the Van Lang Centre, by first a Trinh Luu and secondly a tenant director by the name of Sharron Pretty?

Mr Collins: I was trying to listen carefully to the phrasing of your question. I became aware of these issues through contact with the minister's constituency office, of which the staff were funnelling me information, and from staff in the ministry. So I was aware of the existence of a Trinh Luu, because her name—she was the one providing some of the documents, and I became aware of a Sharron Pretty, but to date have met neither of them personally.

Ms Cronk: And did you on occasion speak to Sharron Pretty during the course of the last year by telephone about matters related to the Van Lang Centre?

Mr Collins: No. As I just said, I have not met either Trinh Luu or Sharron Pretty.

Ms Cronk: Yes.

Mr Collins: At all.

Ms Cronk: I understand that, but during the course of the last year, did you speak by telephone—

Mr Collins: No.

Ms Cronk: —with Sharron Pretty?

Mr Collins: No.

Ms Cronk: Did you speak by telephone with Trinh Luu?

Mr Collins: I had one conversation with Trinh Luu on June the second of 1994.

Ms Cronk: And you said that information came to you concerning the Van Lang Centre from two sources, the constituency office and from the Ministry of Housing, correct?

Mr Collins: That's correct.

Ms Cronk: Did you deal then with representatives of the minister's constituency office on matters related to the Van Lang Centre on a regular basis during the course of the last year?

Mr Collins: No, other than being the recipient of faxes and materials being sent in. To the best of my recollection, I spoke to Sue Lott once early in the June-July period to just get some clarification in terms of who she thought the players were and what the relative importance of this was. Subsequent to that, I was dealing with ministry staff, but had continued to receive on a fairly regular basis faxes and information via the constituency office.

Ms Cronk: Have you met Sue Lott?

Mr Collins: I met Sue Lott Monday evening for the first time.

Ms Cronk: Of this week?

Mr Collins: Yes. We were both here at the end of the day.

Ms Cronk: And have you met Audrey Moey from the constituency office?

Mr Collins: I met her today.

Ms Cronk: For the first time?

Mr Collins: Yes.

Ms Cronk: And then coming back to the issue of the information that was being provided to you during that first six or seven months for the period June through to the end of December 1993, I may have put the question badly. What I intended to ask you was, during that period of time, were you made aware of concerns being expressed by Sharron Pretty or Trinh Luu regarding the Van Lang Centre?

Mr Collins: Yes.

Ms Cronk: For example, there was a letter from Sharron Pretty addressed to Evelyn Gigantes, as the Minister of Housing, dated October 29th, 1993. Did you see a copy of that letter?

Mr Collins: Yes, I did.

Ms Cronk: At or around the time that it arrived in the minister's office?

Mr Collins: Yes.

Ms Cronk: And prior to its receipt, had you been made aware of or had you seen letters from Trinh Luu to various people at the Van Lang Centre and at the Ministry of Housing, for example, Mr Brian Sutherland, expressing concerns relating to the centre?

Mr Collins: I know I received information over the period of the summer. I certainly knew who Trinh Luu was and I had a fairly good grasp of what her issues were. I can't recall specifically—if I saw the items, I think I would be able to recall them, but I can't off the top of my head recall precisely which pieces of correspondence and which reports I saw up to that point.

Ms Cronk: All right. Did you, in addition to the letter from Sharron Pretty, the October 29, 1993, letter from Sharron Pretty, become aware of letters from another tenant at the Van Lang Centre, Mr Michael Séguin, that were forwarded either to the constituency office or to the minister's office in Toronto?

Mr Collins: I recall one letter from Mr Séguin being part of a package that was faxed to me from the constituency office.

Ms Cronk: Just dealing first with the letter from Sharron Pretty of October 29—perhaps Ms Kristjanson can help you. There are four volumes of documents that have been marked before the committee, and if you could look first at volume 2 of exhibit 1, tab 11, this is the letter from Ms Pretty to the minister, Ms Gigantes, dated October 29th, 1993. Do you see that?

Mr Collins: Yes.

Ms Cronk: In terms of the timing of its receipt by the minister's office in Toronto, do you know and can you help the committee as to when it was received?

Mr Collins: I receive copies automatically of all correspondence to the minister related to social housing matters, so this letter arrived, at some point subsequent to its arrival in the deputy minister's office, to my office.

My recollection, though, is that it was actually faxed to me by the constituency office, that they had received a copy. I didn't bring my file with me. I assumed that everything that would be needed would be in here. There may very well be a fax. I mean, I can clarify that I saw the letter shortly after it arrived, whichever place it came from.

Ms Cronk: My question was really directed to when it was actually received in the minister's office, the actual time frame.

Could I ask you to go to tab 18 of that brief, the one that you have in front of you, volume 2. If you look at this tab, Mr Collins, you'll see a draft letter at the front of it dated January 11th, 1994, but behind it as the first attachment, another copy of the October 29th letter, and there's a date stamp, a receipt stamp, in the top right-hand corner, of December 22nd, 1993, office of the Deputy Minister of Housing. Did I understand you to say a few moments ago that it would have come to you, in the normal course, after its receipt in the Ministry of Housing, that is, the deputy minister's offices? Is that correct?

Mr Collins: That's correct, yes.

Ms Cronk: And in addition, in this case you think you received a copy from the constituency office?

Mr Collins: I don't have a clear recollection of either way, but I just know that I had received a number of letters through the constituency office and managed to have them arrive in my office before they came through the normal channels of the ministry. As I said, I can't say, without checking my actual file, whether that was the case with this letter.

Ms Cronk: This document suggests that the deputy minister's offices received it on December 22nd. Could I ask you to go to tab 15.

Mrs Marland: Ms Cronk, you've drawn our attention to Ms Pretty's letter under tab 11 and now another copy of the same letter under tab 18. I notice that under tab 11, Ms Pretty's letter has the address on the top right-hand corner and under tab 18 it's on the top left-hand corner. These are both letters from Sharron Pretty to Ms Gigantes. In fact, I think the wording is the same, as I'm looking at them quickly, but I'm wondering what explanation—I'm asking this because they are now being used as evidence in your examination in chief. I'm asking how it can be that the same letter is written with the same content and yet the format changes between the one received in the deputy minister's office, where the address is on the left-hand side, without a handwritten phone number, and then under 11 there is a handwritten phone number, which may or may not have been added. But the main point is, to me it doesn't look as though it's the same letter.

Mr Collins: The final paragraph is different.

1500

Ms Cronk: Mr Collins is pointing out—I don't know if you heard it, Ms Marland—that the final paragraph is different, between page 6 of the two letters; both have been signed.

Mrs Marland: So are we acknowledging that these

are two different letters then? Is that what we're saying?

Ms Cronk: Would you agree, Mr Collins, that based on those variances, it appears that there are two different versions of this letter?

Mr Collins: That's what it appears to me to be.

Ms Cronk: Can you help us as to whether two copies of this letter were received, one in the form at tab 18 and one in the form at tab 11, or do you know?

Mr Collins: I do not know. I'm checking now to see the fax that was sent to me from the constituency office to see which version of the letter that was.

Ms Cronk: That's what I was about to take you to, so if you could look at tab 15 as well—do you have that?

Mr Collins: Mm-hmm.

Ms Cronk: At tab 15 there is a fax from Sue Lott of the minister's constituency office, dated December 21st, to you at the Ministry of Housing, and it indicates by the handwritten note at the bottom that she was forwarding to you another letter related to the problems of the Van Lang Centre from a former board member. It says: "I mislaid this one and it does require a response from Evelyn. Could you ensure that there is a minister's response to this letter? Thanks."

I note that that fax to you is December 21st, 1993, two months after the date of the letter, but attached to it is a version of the letter dated October 29th. It would appear, I suggest, to be the same version as appears at tab 18, namely, the address of the sender is in the top left-hand corner and the last paragraph of both letters appears to be the same.

Mr Collins: That's correct.

Ms Cronk: All right. So can you confirm at least this much for us, Mr Collins: that the letter which you received yourself from Sue Lott is that set out at tab 15 accompanying the fax?

Mr Collins: Yes.

Ms Cronk: And the letter that appears to have been received in the deputy minister's office is the one at tab 18 bearing the receipt stamp?

Mr Collins: Correct.

Ms Cronk: All right. And both of the photocopies bear the signature of Sharron Pretty.

Mr Collins: That's correct.

Ms Cronk: Are you aware of the receipt at the minister's office, or at the Ministry of Housing offices in Toronto for transmittal to the minister's office, on any occasion earlier than December 21st or 22nd of a copy of this letter from Sharron Pretty?

Mr Collins: No. If I can suggest, what is likely the case is that when this letter was sent to me from the constituency office suggesting that it required a ministry response, I looked at the letter and agreed and submitted it to the deputy minister's office correspondence section, that would have date-stamped it the following day.

Ms Cronk: So it may have come to you first, then, and you just sent it over to them. Does it follow from that that although the letter is dated October 29th, for whatever mishap at the constituency office, it doesn't

appear to have been brought to the attention of the minister's office in Toronto until the end of December?

Mr Collins: In terms of a physical copy of the letter, I would agree it was not brought to our attention. My recollection is that perhaps through a telephone conversation or some other contact with someone in the ministry I was vaguely aware of a board member who had similar concerns to Ms Luu.

Ms Cronk: Prior to the end of December.

Mr Collins: Yes.

Ms Cronk: All right. And did you also become aware, through contact with the minister's constituency office or otherwise, of a request in early November 1993 by Trinh Luu for a meeting with the minister?

Mr Collins: Yes.

Ms Cronk: The committee has seen that Ms Luu actually wrote a letter to the minister dated November 8, 1993. If you need to see any of this documentation as I refer to it, please just tell me.

Mr Collins: I wouldn't mind just refreshing my memory by looking at it.

Ms Cronk: Tab 12. This is a letter dated November 8, 1993, to the minister, Ms Gigantes, from Trinh Luu. Did you see a copy of this letter and its attachments on or about the timing of its receipt at the minister's office?

Mr Collins: Yes, I've seen the letter. I'm not recalling exactly when it arrived in my office, though.

Ms Cronk: Well, whether or not you had seen the actual letter, did you become aware that a request had been made by Ms Trinh Luu for a meeting with the minister?

Mr Collins: Yes.

Ms Cronk: And the committee has thus far heard that at the beginning of December, December 6, 1993, the minister responded to Trinh Luu's letter of November 8 and indicated to her that she had not yet received a copy of the compliance review that was then in progress with respect to the Van Lang Centre but that she would be in touch with her when she had a copy of the report. Are you aware of those facts?

Mr Collins: Yes.

Ms Cronk: Did you have any involvement in the timing or preparation of the reply to Trinh Luu from the minister?

Mr Collins: I review all correspondence signed by the minister related to social housing matters, so the letters that are prepared for the minister's signature come past my desk first.

Ms Cronk: And if you have any comments to offer or amendments to suggest, is it part of your job responsibilities to do that and to propose amendments to letters for signature for the minister?

Mr Collins: Yes.

Ms Cronk: The reason I reviewed this particular part of the chronology with you, Mr Collins, is for this reason: If the letter from Sharron Pretty was not received by the minister's office or the deputy minister's office through you until December 22nd, 1993, is it consistent

or inconsistent with your recollection that the first request for a meeting, or letter directly to the minister, from either Trinh Luu or Sharron Pretty was actually Ms Trinh Luu's letter of November 8?

Mr Collins: I'm going to have to be honest and say that at the time I was not distinguishing between who was requesting a meeting. My concern was with the operations of the Van Lang Centre and I knew that there were a number of concerns being expressed by a former employee. I knew the ministry was doing a compliance review and investigating. It wasn't of particular interest to me to know precisely who was saying what at which time.

Ms Cronk: I understand, but for the purposes of the committee's work, what I'm asking for your assistance on, if you're in a position to give it to us, and you may not be, is would it be a fair conclusion for the committee, on the basis of looking, as we just have, at these documents, to conclude that Trinh Luu's letter of November 8 was actually received at the minister's office, for whatever the mishap at the constituency office, before Sharron Pretty's?

Mr Collins: That would be a fair conclusion, yes.

Ms Cronk: And the committee has also heard that a response did not go from the minister to Sharron Pretty's letter of October 29th until quite late in April 1994, April 25th, 1994. Are you familiar with the reply that ultimately was sent to her?

Mr Collins: Yes, I am.

Ms Cronk: All right. And based on the review we've just done, would it be fair to suggest that it appears that the time elapsed from receipt to response does not appear to have been from the first of November through to the end of April but really from the 22nd of December through to the end of April?

Mr Collins: That would appear to be the case, yes.

Ms Cronk: And you've said to the committee that for the purposes of your work and the dealings you were having both with the minister and the constituency office, you weren't distinguishing between the two women?

Mr Collins: That's correct.

Ms Cronk: But throughout the fall of 1993, I take it then, given the timing that we've retraced here, that you were aware that concerns had been expressed, first back in June by Trinh Luu, and then again at the beginning of November and that they led her to ask for an actual meeting with the minister, which ultimately the minister declined, at least until she had a copy of the compliance review in hand?

Mr Collins: That's correct.

Ms Cronk: And after the letter came in from Sharron Pretty to your office and you sent it on to the deputy minister, was the issue of a meeting with either Trinh Luu or Sharron Pretty revisited at that time? Or do you know?

Mr Collins: Not immediately at the end of December, to my recollection, no.

Ms Cronk: What about into the month of January 1994?

Mr Collins: If I recall, another request letter had come in in early January from the board of directors of Van Lang, or perhaps the president of Van Lang, so at that time we once again revisited, on a more formal basis, the question of whether or not the minister should meet.

Ms Cronk: And that letter, the committee has heard, was a letter dated January 3, 1994, from the board directly to the minister requesting a meeting, and the committee has also received evidence that the Ministry of Housing offices in Ottawa advised within a couple of days of receipt of that request letter against the minister meeting with the board at that time. Were you aware of those events?

Mr Collins: Yes.

1510

Ms Cronk: Was it part of your job function at the time, Mr Collins, to provide advice to the minister as to the persons or groups that she should meet with?

Mr Collins: Yes.

Ms Cronk: And as to which invitations she should consider accepting or meetings she could consider initiating?

Mr Collins: Yes, along with others in the office, that's part of my job.

Ms Cronk: So if a request like the one that came from the board or like the one that came from Trinh Luu came in, would you deal with those in the sense of considering them and then providing your advice or views on them to the minister?

Mr Collins: Either to the minister directly, or in fact there's a small committee that meets regularly to deal with meeting requests. So my advice—

Ms Cronk: Do you participate in that committee?

Mr Collins: Yes, so my advice would be either forwarded directly to the committee or to the minister, more likely to the committee.

Ms Cronk: In respect of Trinh Luu's November request for a meeting, did you advise the minister against meeting with her at that time, until the compliance review was in hand?

Mr Collins: To the best of my recollection, that request for a meeting was dealt with through the minister's response letter rather than through the more standard practice of having a separate meeting request form filled out by ministry staff, because I don't recall it being discussed at our regular committee meeting that deals with who the minister should meet with, the meeting request committee.

Ms Cronk: And when the board request came in at the end of January?

Mr Collins: It was dealt with—

Ms Cronk: In the normal course.

Mr Collins: Yes.

Ms Cronk: After the Ministry of Housing offices in Ottawa had recommended against a meeting at that time between the minister and the board, did you provide her with advice on the issue?

Mr Collins: I can't recall whether it was to her

directly or to the committee, but I did provide my advice.

Ms Cronk: What was your view?

Mr Collins: I did not support the minister meeting with the board of Van Lang at that time.

Ms Cronk: Why was that?

Mr Collins: I felt that (1) I hadn't yet seen the compliance review, so I had very little information to know how serious the situation actually was subsequent to a ministry investigation. Secondly, I'll say quite bluntly, the minister generally doesn't do these sorts of meetings. We get many, many requests from all sorts of people wanting the minister's time and we have to be fairly rigorous in terms of who she can meet with.

I was well aware that the ministry was making a serious effort to do the compliance review. By the time our January meeting request meeting occurred, I had been informed that Brian Sutherland had attended the end-of-December board meeting. I was quite pleased with that. To me that spelled a level of seriousness at the regional office, that they were certainly not ignoring any of these issues, that they were actively trying to work with the board to resolve whatever problems there were at Van Lang. So I felt at that point it was premature to involve the minister.

Ms Cronk: The committee has heard that at the end of March or thereabouts, March 25th, 1994, a letter goes from the minister to the board declining a meeting at that time. Were you involved at that point in the decision or in advising her with respect to whether she should meet with the group? I'm talking now in March.

Mr Collins: That letter, to the best of my knowledge, would have—I hate to use the term “sprung,” but would have evolved out of the January decision to not meet.

Ms Cronk: The reason I asked you about that is because you said that one of the reasons that you advised against meeting with the board at that time was that you hadn't seen the compliance review. The committee has heard that the compliance review was finished and was discussed with the board of directors of the Van Lang Centre at a board meeting on February 8, 1994. Are you aware of that?

Mr Collins: Yes.

Ms Cronk: And when thereafter did you see a copy of the compliance review?

Mr Collins: I don't believe I got the compliance review until either the very end of April or the early few days of May—much, much after these events.

Ms Cronk: When, to the best of your knowledge, did the minister first see a copy of the compliance review?

Mr Collins: At the same time.

Ms Cronk: Would it be fair of me to suggest to you—again, we can go through all the paper on this if you like, and please tell me if you wish to do that. Would it be fair of me to suggest to you that there were numerous efforts by people in the minister's office in Toronto, including yourself, to obtain a copy of the compliance review throughout the spring of 1994; there were many requests that a copy be provided to the minister's office?

Mr Collins: I don't know whether I would

characterize it as “many.” If my memory serves me correctly, around the beginning of April is when Evelyn sort of—the minister pointedly said to me, “I want a copy of the compliance review. Get it for me,” as opposed to up to that point she was just sort of—I knew she wanted to see it, I wanted to see it, but I wasn't going out of my way to chase down a copy. So subsequent to her requesting that, I followed up with David Clarke, who is the executive assistant to the assistant deputy minister's office that deals with social housing matters and the Ottawa office, and requested a copy of the compliance review from him.

Ms Cronk: Could I ask you to look at tab 31 of this volume, please? This appears to be a handwritten note which reads: “Where is the operational review report? Please.” And then there's an initial. Is that the initial “E”?

Mr Collins: Yes, it is.

Ms Cronk: Is this a note by the minister?

Mr Collins: Yes, it is—well, it certainly appears to be her handwriting.

Ms Cronk: Was it to you, or do you now recall?

Mr Collins: I don't recall, but it's likely that it would have been to me.

Ms Cronk: All right. And do you specifically recall being asked directly by the minister to get her a copy of the compliance report around the beginning of April?

Mr Collins: Yes.

Ms Cronk: All right. And when I was suggesting to you that there were numerous requests for a copy of it, I didn't mean, Mr Collins, that they were all by you. What I meant was that there were efforts throughout the spring, and I have in mind April of 1994 and any number of e-mails saying: “Where's a copy of the report? What's its status? Where is it? Can we have it?”

Mr Collins: Yeah.

Ms Cronk: Fair description?

Mr Collins: Yes.

Ms Cronk: And some of those are from you and some are from other people in the minister's office?

Mr Collins: Yes.

Ms Cronk: You have to nod yes or—I think you have to nod yes or no for Hansard, unless it's a whole lot different—

Mr Collins: Yes, that—

Ms Cronk: —than any reporter I've ever dealt with. So that in that regard, you and the minister did ultimately see a copy of the compliance review and you think that was towards the end of April, beginning of May?

Mr Collins: Yes.

Ms Cronk: And in the months preceding that—let's take it now from January of 1994 when the board request for a meeting has come in, up until the time at the beginning of April when the minister has asked for a copy of the operational review or the compliance report. Did you during that period become aware from the minister's constituency office or from the Ministry of Housing that there had again been concerns expressed in

letters from Sharron Pretty to the MOH offices in Ottawa relating to the Van Lang Centre?

Mr Collins: Yes, I recall a letter from Sharron, that when I received it, it triggered my memory that we had not yet replied to her previous letter from the fall. So I can't say exactly when I received that but I know it was before we had sent out the response to her original letter. I took very serious note of this letter because it was effectively saying that the ministry's compliance review had missed the point, I guess is the way I would characterize it, that it had in fact not even looked at the right issues or had not probed deeply enough into the right areas to reveal the kinds of concerns that she had been raising for many, many months and that Trinh Luu had been raising.

1520

Ms Cronk: All right. Could I ask you to look at tab 25 of this volume, please? Sorry, wrong tab. If I could just have a minute. Wrong book. Sorry, Mr Collins. You need exhibit 2 in front of you, and if I could ask you to look at tab 33.

This is a letter of March 1, 1994, to Mr Sutherland from Sharron Pretty, of some considerable length, 20 pages in length, and it appears to have been directly copied both to the minister and to yourself and to Mr Newton Vanriel. Is this the letter to which you referred just a moment ago?

Mr Collins: Yes.

Ms Cronk: And did you receive a copy of it directly then, in due course?

Mr Collins: Yes.

Ms Cronk: And to your knowledge, did the minister as well?

Mr Collins: I can't say. The minister normally sees correspondence after the response has been prepared, unless one of her staff members brings it to her attention specifically. I don't recall bringing this letter to the minister's attention but, throughout the time period, it was my understanding that the constituency office was keeping Evelyn posted in terms of the flow of correspondence.

Ms Cronk: What was the basis for that understanding? Did someone tell you that?

Mr Collins: There was nothing specific that I can point to other than Evelyn would sometimes just make passing comments perhaps on a Monday, and it was clear that she had been talking to someone on the weekend or the Friday, and I assumed it would be someone in the constituency office. It was just a very casual observation. I'd have no evidence or proof of this.

Ms Cronk: During that spring period, did you remain in contact with Sue Lott in the constituency office in the sense of receiving information from them concerning the Van Lang Centre, or corresponding with her or dealing with her about information concerning the centre as need be?

Mr Collins: Yes. Again, there seemed to be a dropping off of the flow of material at some point, but certainly throughout the early spring.

Ms Cronk: The committee has also heard that there was a second letter, also in the month of March 1994, from Sharron Pretty to Brian Sutherland, this one dated March the 20th. Do you recall seeing as well a copy of the second letter from Sharron Pretty?

Mr Collins: If you can refer me to it, I'll take a look at it.

Ms Cronk: If you take a look at tab 36 of the same book.

Mr Collins: Yes, this letter looks familiar.

Ms Cronk: It appears to have been copied to you directly as well as the minister.

Mr Collins: Yes.

Ms Cronk: When you became aware both of the March first letter and the March 20th letter, at that point did you raise any of the concerns outlined in the letters with the minister?

Mr Collins: We had perhaps two, possibly three relatively casual discussions, nothing that was scheduled, about the course of events at Van Lang.

Ms Cronk: In the month of March, or February?

Mr Collins: February-March-April. I can't pin down a specific time or date. Over the course of the late winter, early spring.

Ms Cronk: And what was the purpose of those specific meetings?

Mr Collins: Just to make sure that she was kept posted as to what was going on. I let her know about the compliance review being completed. We would discuss our impressions of the seriousness of the events, what was going on, what could be done. Obviously, much earlier on in the process we had both hoped that the compliance review by the ministry would be the key item that would turn things around at Van Lang. This was back in the summer of 1993. We were hoping that the compliance review would be the turnaround event.

We had then gone through a period where ministry staff started attending board meetings. They were obviously in the process of attempting to implement the measures outlined in the compliance review. Despite that, we were continuing to receive letters of this sort that didn't seem to reflect any progress at all at Van Lang and in some cases would lead you to believe that the opposite was occurring; that things were getting worse.

Ms Cronk: Just on that issue, what was your understanding in March of 1994 as to how well or otherwise the board of directors of the Van Lang Centre was functioning, or did you know?

Mr Collins: My sense was based on reading the correspondence and talking to primarily David Clarke, who is my conduit to dealing with the Ottawa office, my information conduit. He obviously had whatever form of contact with the regional staff in Ottawa to find out what was going on. My impression was that they were painting a picture of things in relative good order, certainly some problems pointed out in the compliance review, management issues that needed to be looked after, but nothing at all of the sense that I got from reading Trinh Luu and Sharron Pretty's correspondence.

Ms Cronk: Just to explore that with you for a moment, in a background note prepared in mid-February 1994, part of the note specifically addresses and outlines what was perceived to be antagonism and acrimony at the board level at the Van Lang Centre. It was suggested that the conflict on the board was of such a nature that it was bogging down the work of the board. Do you recall that?

Mr Collins: Um, yes.

Ms Cronk: In February and March of 1994—I recognize that you were not at board meetings and didn't personally know these people—but were you generally aware that there were difficulties and there was acrimony and antagonism at the board level?

Mr Collins: Absolutely, yes.

Ms Cronk: All right. The committee has also heard that at the beginning of March, on March the 4th, quite apart from the letters that Sharron Pretty is sending to Brian Sutherland at the MOH offices in Ottawa, Trinh Luu and Sharron Pretty both write another letter, this time together, directly to the minister, asking for what they describe as a "special and urgent" meeting with her. Are you familiar with that letter?

Mr Collins: Yes, I am.

Ms Cronk: Did you see a copy of it on or about the time that it was received at the minister's offices?

Mr Collins: Yes.

Ms Cronk: Do you recall when it was actually received at the minister's offices, or do you know?

Mr Collins: No.

Ms Cronk: Was it some time during the month of March, and do you remember becoming aware of that request for a meeting around the same time as you became aware of the Sutherland-Pretty correspondence, if I can put it that way?

Mr Collins: Yes.

Ms Cronk: That being the case, when we come to the end of March of 1994, Mr Collins, there was a request for a special and urgent meeting from Ms Luu and Ms Pretty, there were these letters that caused you concern, that you treated seriously, you said, because of the nature of the commentary provided on the compliance review from Pretty to Sutherland. At that point in time, did you provide any advice to the minister as to whether she should meet with either of these individuals?

Mr Collins: Through the same process I described the last time, yes.

Ms Cronk: What was the nature of your advice at that point?

Mr Collins: That the minister should not meet with the Van Lang board or with Sharron or Trinh at that time.

Ms Cronk: Why was that, the compliance review being in hand?

Mr Collins: Primarily because I felt strongly that the Ministry of Housing office is responsible for the ongoing administration of this group; that they had clearly been informed, well informed, of the problems, they had been identified very clearly. There was a compliance review in hand, with some specific measures outlined; these could

be added to it. All along, my judgement is based on a question of, will the minister's attendance or having an audience with various people make a difference? It's obviously not standard practice for the minister to meet with every individual and group who wants to meet her. This was a case where there was a clear responsibility within the ministry to deal with these matters, and I wanted to make sure that that was absolutely exhausted before we seriously considered having the minister meet with any of the people involved.

1530

Ms Cronk: Did you also become aware around that time, Mr Collins, at least in the case of Sharron Pretty, that she was sufficiently concerned, that there was the possibility of her going to the media over the issues?

Mr Collins: I recall hearing about that from either Sue or Audrey in the constituency office. I can't remember who.

Ms Cronk: Could you look at tab 27 of—actually, we're in volume 2 of exhibit 1 now. I'm not sure that's the volume that you're in.

Mr Collins: Twenty-seven?

Ms Cronk: Yes. Does this fax to you—sorry. Does this fax to—is it Ezia?

Mr Collins: That's it, yes.

Ms Cronk: —Cervoni from Sue Lott confirm that that appears to have been their understanding of Sharron Pretty's state of mind at the time?

Mr Collins: Sorry, I'm in the wrong book here.

Ms Cronk: Volume 2 of exhibit 1.

Mr Collins: Okay, here we are.

Ms Cronk: At tab 27.

Mr Collins: Yeah, I think I recall Ezia pointing this out at our sessions. She either pointed it out to me specifically—she would often bring these kinds of requests directly to my attention as opposed to waiting for the weekly meeting to deal with them, but in one of those two situations, she brought this to my attention. I was certainly aware that there was a sort of media potential in this case.

Ms Cronk: And specifically that issue had at least, that potential had at least been raised by the constituency office staff in mid-March?

Mr Collins: Yes.

Ms Cronk: Could I ask you to go next to tab 32, please? The committee has received evidence that the Ministry of Housing offices in Ottawa recommended, at least it was their advice at about this time, that a meeting should not take place with Trinh Luu or Sharron Pretty. The document at tab 32, which was expurgated by myself and Mr Hourigan to remove proposed invitations and meetings having nothing to do with the Van Lang Centre, appears to be a form in use to record the nature of an invitation or a proposed meeting and the proposed response by the minister. Am I reading this, understanding this document correctly?

Mr Collins: Yeah. This would form the agenda for the meetings that I described where the staff would discuss meeting requests and give the minister advice as

to whether she should meet or not.

Mr Callahan: What tab is this?

Ms Cronk: This is at tab 32 of the same volume, volume 2, exhibit 1.

Mr Collins: During this week, there would've been 10 requests to deal with.

Ms Cronk: Twelve, actually.

Mr Collins: Okay. Sorry, 12.

Ms Cronk: And with respect to item 6, it appears to be suggesting and can you confirm that the advice at that point was against meeting with what's described as the "Van Lang Centre Tenants," meaning Trinh Luu and Sharron Pretty's letter, I take it?

Mr Collins: That's correct.

Ms Cronk: Clearly this was responding to the tenants' request as distinct from the board?

Mr Collins: That would be my understanding, yes.

Ms Cronk: Now, this is April 13, 1994, Mr Collins, and can I ask you to go to the immediate next tab? This is an e-mail dated Thursday, April the 14th.

Mr Collins: Mm-hmm.

Ms Cronk: At 11:46 in the morning. So it's the next day, and it's from Lisa Heaton to Ezia Cervoni, and it appears to indicate that the minister would like to meet with Sharron Pretty et al of the Van Lang Centre and include Brian Sutherland in the meeting. It would be held in Ottawa Centre, her riding, and then there's a query about how the arrangements were to be made.

Should we take from this that notwithstanding the advice of the Ministry of Housing in Ottawa at the time, and indeed your own view, that the minister at this point either herself or in consultation with other advisers had decided she wanted to meet with Sharron Pretty?

Mr Collins: That's correct.

Ms Cronk: And were you aware of—was that the minister's decision, or do you know?

Mr Collins: It could only be the minister's decision, because she's the only one that would be able to override the advice of staff.

Ms Cronk: I'm sorry. Again, in fairness to you, I haven't put the question to you properly. The ministry offices in Ottawa advised against it. You advised against it. I assume you expressed that view to the committee considering the matter? You have to nod and indicate—

Mr Collins: Yes. Sorry.

Ms Cronk: Was that advice accepted, or did the committee recommend that the minister meet?

Mr Collins: That I am not sure. I don't recall anyone at the committee disagreeing with my advice, but it's possible that they did.

Ms Cronk: Well, do you recall a specific discussion yourself with the minister as to the advisability of meeting then with Sharron Pretty or Trinh Luu?

Mr Collins: Not specifically at this time, no.

Ms Cronk: You've told the committee that you recall the minister asking towards the beginning of April for a copy of the compliance review and recall also that both

she and you received it towards the end of that month.

Mr Collins: Mm-hmm.

Ms Cronk: Was it the correspondence from Sharron Pretty and Trinh Luu requesting a meeting and the Pretty correspondence to Sutherland in March that prompted the minister to ask for a copy of the compliance review?

Mr Collins: I can't say.

Ms Cronk: At that point, though, until the arrival of that correspondence, you certainly hadn't seen it and didn't in fact see it for another month, to the end of April.

Mr Collins: That's correct.

Ms Cronk: Then I'm going to suggest to you, Mr Collins, and again please just indicate to the committee if this is incorrect in any way, that after this e-mail of April 14th, 1994, there are a series of e-mails between either the Ministry of Housing in Toronto and the minister's office in Toronto or the constituency offices in Ottawa and the minister's office in Toronto, all having to do with whether this meeting should occur with Sharron Pretty or others connected with the Van Lang Centre and the—well, if I could stop there for a moment. Am I right so far? Are you aware of those facts? Can you confirm that?

Mr Collins: I'm not aware of correspondence related to whether or not the meeting should occur until much later on. At this point, the minister had made the decision to meet and it was a matter of setting up the logistics.

Ms Cronk: I see.

Mr Collins: Picking a time, finding time in her schedule, figuring out where it's going to be held, the usual.

Ms Cronk: Am I right in this suggestion—there's always a danger as a lawyer asking questions, you try to shortcut on the paper here, which is one of the problems that I'm having. It'll just take us a while to move through it. If we have to, then we'll do that, but am I right in suggesting to you that there is that kind of correspondence, that is, e-mail correspondence, either from or to the minister's office and the constituency office, in which it is indicated that, notwithstanding that April 14th e-mail indicating the minister would like to meet, that no final arrangements for that meeting and indeed no final decision by the minister as to whether to meet would be made until she'd seen the compliance review? Are you aware of that?

Mr Collins: No.

Ms Cronk: I can't do it the short way. That's fine. Could I ask you to look at tab 36.

Mr Murphy: Before you do that—and you may have asked this and I apologize if you have—I just was wondering, who comprises the scheduling committee?

Ms Cronk: I didn't ask. Can you answer the question?

Mr Collins: Generally the senior staff in the office, which would be the two policy staff, the scheduling staff, the communications person and what we call an outreach person.

Ms Cronk: Having regard to exhibit 3 and the list of

people from whom the committee has some correspondence, can you identify on that list whether any of those individuals sit on the committee?

Mr Collins: Yes. Obviously, the scheduler; myself; Shirley Darling, the legislative assistant; and the chief of staff attends when available.

Ms Cronk: So that would be Carol Whitehead, Shirley Darling, Ezia Cervoni and yourself?

Mr Collins: Yeah. Ezia of course was replaced with Karen Ridley. And there are others that aren't on this list that attend.

Ms Cronk: Does Newton Vanriel sit on that committee?

Mr Collins: I don't recall the public liaison person sitting on that committee.

Ms Cronk: Thank you. Could I ask you to look at—

Mr Murphy: I don't mean to interrupt, but the reason I'm asking is because I'm just wondering, sometimes in offices these decisions go through a political calculation first and you testified that the chief of staff is occasionally there, and whether before it goes to the minister it goes through the chief of staff in every occasion.

Mr Collins: Not that I'm aware of, but if something was important, if the scheduler or the others who coordinate this, which is not me, if they felt it was important to check with the chief of staff, if she was not able to attend the meeting, they would obviously do that.

Mr Murphy: Thank you.

Mr Collins: Also to my knowledge there's a regular meeting, a weekly meeting, between the minister and the scheduler where the advice of staff is discussed, and the minister is free to accept or not accept the advice of her staff on who she's going to meet with and not meet with. That's standard procedure.

Mr Murphy: So it might have been one of those meetings that produced the next memo where the minister says, "I want a meeting"?

Mr Collins: I would assume it was, but again, not having attended those ever, I can't say one way or the other for sure.

1540

Ms Cronk: I may just retire from the field here. This is all becoming very clear to me, so thank you, Mr Murphy.

Mr Callahan: You better switch seats—

Ms Cronk: I think we better just leave that there, Mr Callahan.

Where this started, Mr Collins, was with our looking at the April 14th memo indicating that the minister did want to meet. Now I'm asking you to look, if you would, at tab 36, which is four days later. This one is to you and it suggests that the minister wants to see a copy and read the compliance review before deciding on any meeting—is that correct?—with the people at Van Lang.

Mr Collins: Yes, I remember this now, and that's obviously the trigger for me pursuing with the assistant deputy minister's office my desire to get a copy of the report. I didn't actually recall this happening, though,

until I saw it now.

Ms Cronk: That's fine. Could I ask you to look at tab 37 as well, please. As I read this particular e-mail—I'm sorry, at tab—it is tab 37. This time it's the invitations and meeting requests form relating to a meeting held on April 20th or a meeting to be held on April 20th with respect to the Van Lang Centre. It confirms that the minister wants to look at the compliance review and talk to you before agreeing to a meeting.

Mr Collins: Mm-hmm.

Ms Cronk: Again, that is in respect of an invitation request from Van Lang Centre tenants. I take that to be the outstanding request from Trinh Luu and Sharron Pretty. Would that be fair?

Mr Collins: Uh, yes, I think that was the vernacular being used.

Ms Cronk: Not the board. Not the board?

Mr Collins: Uh, that's correct, but I'll be honest with you: When I discussed the issue with Evelyn, I am not clear in my own mind when I was distinguishing between the two, nor when she was. It's my sense that when I dealt with ministry staff, I was effectively suggesting that the minister would be meeting with everyone involved in Van Lang, which would include the entire board and potentially Trinh Luu as a former employee. I cannot say whether at any time the minister had in her mind to only meet with, uh, with Sharron Pretty or Trinh Luu. That was not my understanding, nor my intention of what would be a useful use of her time.

Ms Cronk: Perhaps we'll come to that, then, Mr Collins. Could I ask you to look at tab 38, please. This is another e-mail message and it appears to indicate, at least to me, that a reply was drafted by the ministry and was approved by you in respect of a letter attached to the document. The exhibit book doesn't contain the attachment, but it indicates that a meeting with the minister is still considered unconfirmed at this time, and that is from Ezia Cervoni to the information liaison service or section, Mary Mammola. Am I correct in that?

Mr Collins: Uh, yes.

Ms Cronk: All right, so it looks at that point, as at April 21st, as if the meeting was not certain, it was unconfirmed.

Mr Collins: Yes, I assume they were operating under the assumption that the minister wanted to see the compliance review before making a final decision.

Ms Cronk: Mm-hmm, and you make that assumption, I take it, because of the e-mails we've just looked at.

Mr Collins: Correct.

Ms Cronk: And then to move through some more of them, if you look at the next tab, this is a fax transmittal form dated April 21st. There are several copies of it. The most legible is the last, the third page in, and it appears to be to Sue Lott at the constituency office from Jenny. I take that to be—is that Jenny Lam?

Mr Collins: Yes, it would be—just for my clarification, we're in tab 39?

Ms Cronk: Yes.

Mr Collins: And you're saying the third page in? I

only have two pages in my tab 39.

Ms Cronk: Sorry. Looking at the first page that you have, then—I have a duplicate copy of one of those. Looking at the first page, which is the most legible, would you agree with me that the introduction to it, under the “Comments” section suggests, first, that it’s dealing with the latest status on Van Lang, and what’s described, if you’ll allow me, perhaps quite accurately by the author as the “to meet or not to meet” debate. Is that fair? That’s what the author appears to be talking about?

Mr Collins: Yes.

Ms Cronk: So I take from that, Mr Collins, that the issue of a meeting was still up in the air at that point?

Mr Collins: Yes.

Ms Cronk: But a reply had actually, this says, been sent to Sharron Pretty’s letter.

Mr Collins: That’s what it says, yes.

Ms Cronk: Are you aware of any reply in writing ever being sent to Trinh Luu and Sharron Pretty to their March fourth letter requesting a meeting?

Mr Collins: No. To the best of my knowledge, that has not yet been replied to.

Ms Cronk: There was a—

Interjection.

Ms Cronk: That may come later this week.

Sorry. There was at this point in time an outstanding letter from Sharron Pretty, the October 29th letter, if you remember, Mr Collins.

Mr Collins: Yes.

Ms Cronk: The committee has evidence before it indicating that a response to it went at the end of April—April 25th, 1994. Would it be fair of us to conclude that that’s the reply being referred to in this note?

Mr Collins: Yes.

Ms Cronk: As I read the balance of the handwritten note, it appears to say: “I’ll talk with her in a few days to see if the written response eliminates need for meeting. We’ll take it from there, depending on their response.”

Mr Collins: Yes. If you want me to explain the context of that, I think I can illuminate people as to what was happening.

Ms Cronk: Would you please?

Mr Collins: Around the time that Evelyn made her decision that she wanted to see the compliance review and was seriously contemplating a meeting, for perhaps the third or fourth time I received a draft of the response to Ms Pretty’s October 29th, ’93, letter. At that point, as I often do when letters get turned back repeatedly, I have to make a judgement as to whether there’s going to be any value added in putting it back into the ministry again or whether to simply send it out and see if things can be dealt with in another way.

My thought at the time was, since we’re seriously considering a meeting and it’s probably just a matter of time in terms of finding a slot in Evelyn’s schedule, we may as well send out the letter as it stands, which did not offer a meeting, nor did it thoroughly respond to the October 29th concerns, in my opinion. But I suggested

that we should send it out anyway, wait a week and time for Canada Post to deliver it and for Ms Pretty to read it, and then hopefully contact her and offer her a meeting.

Ms Cronk: This note would appear to suggest that she was going to be contacted in a few days. Well, first it suggests that the reply had already been sent. It’s dated April 21st, and that, of course, had not happened. The reply was dated April 25th, so it went out a little later.

Mr Collins: But it may have gone from my office, in terms of being signed off by me, into the minister’s stack of correspondence to sign, by April 21st.

Ms Cronk: Thank you. That’s helpful.

Mr Collins: Obviously, that letter was one that I had seen several times. Given, obviously, that the office was considering a meeting at that time, I would have probably known precisely where that letter was in the multiple steps of our correspondence system, whereas a typical letter, I wouldn’t necessarily know where it is at any one time.

Ms Cronk: This appears to suggest, however, that after the letter went to Sharron Pretty you were going to wait a few days to see if the written response eliminates the need for the meeting, as distinct from what you said a few moments ago, of waiting a few days to give Sharron Pretty a chance to receive it, read it and then offer her a meeting. Mr Collins, that’s what this appears to suggest. Am I correct?

Mr Collins: Yes.

1550

Ms Cronk: Was that your understanding of what was to happen, and then was to see how it all sort of gelled out after Ms Pretty got the letter?

Mr Collins: Well, that was a polite way of characterizing it. My recollection is that we assumed there would be a request for a meeting. I assumed, certainly personally, that Ms Pretty would not be satisfied with the April 25th response. Effectively, we just wanted to get that letter sent out in the interim period. While it was being sent and she had a chance to digest it, we could be further looking to see whether we could actually find time to meet.

Ms Cronk: I see.

Mr Collins: The minister was exceptionally busy during that period, so we were not able to—we had not secured a time slot for the meeting, even assuming that the minister was—

Ms Cronk: I’m sorry, I didn’t hear the witness’s answer. Could you just repeat the last part for me?

Mr Collins: To the best of my recollection, we were having difficulty finding time slots for meetings. So assuming that the minister was going to make a final decision or anyone else was going to make a final decision that we would meet, there may still very well have been a delay before a meeting could occur.

Ms Cronk: All right. But Mr Collins, although you may not have anticipated it, indeed you’re saying that you expected the reverse; you expected Sharron Pretty not to be satisfied and to still want a meeting. Did this

carry with it the possibility that if, when she got the reply letter, she didn't repeat her request or appear still to want a meeting, one would not have taken place?

Mr Collins: Yes.

Ms Cronk: All right. And if we go to the next tab, tab 40, this is another e-mail. This is from you, I take it. Is that to Dave Clarke?

Mr Collins: Yes.

Ms Cronk: And it again confirms that both you and the minister would need to see the compliance review before the minister met with, and the words are, "this group"?

Mr Collins: That's correct.

Ms Cronk: All right. So at that point you are assuming a meeting will occur but you still want to see the compliance review and you haven't got it.

Mr Collins: That's correct.

Ms Cronk: And, it would appear, neither does the minister.

Mr Collins: Correct.

Ms Cronk: And you're again asking for a copy.

Mr Collins: Yes.

Ms Cronk: And then at the next tab, at tab 42, we have the response letter to Sharron Pretty, dated April 25th. Is this the letter that you referred to a few moments ago when you said that although it was not as fulsome a reply as you would have liked, you thought it better that it go at that point, even though it didn't invite a meeting, to get it out and to see what the response actually was?

Mr Collins: Yes.

Ms Cronk: Then if we go to tab 43, just to move through some of these to refresh your memory, this appears to be from you again to David Clarke. This is the day after the date of the response to Sharron Pretty, April 26th, and it's suggesting, as I read it—please tell me if I'm reading this correctly—that the reply letter was being sent to Sharron Pretty, that you would wait about a week and then offer a meeting, if they want one, and it confirms what you said a moment ago: You were sure that they would. "The minister and Steve or Brian can then go over the action steps in the compliance review with the board members." And again you're asking for the compliance review. Is that fair?

Mr Collins: Yes. In a subtle way I was, yes.

Ms Cronk: Sorry, what's subtle about it? You said you wanted the report by the end of the week. Weren't you asking for it yet again?

Mr Collins: Oh, okay, I'm sorry. I wasn't reading the—

Ms Cronk: Am I missing something, Mr Collins?

Mr Collins: No, no, no. I just hadn't read the third sentence yet.

Ms Cronk: Okay. So that what I suggested to you a few moments ago, that through the spring—and I clarified that I meant during the month of April—there were repeated requests for receipt of this compliance review.

Mr Collins: Yes.

Ms Cronk: In fairness to you, with the benefit of this documentation now in front of you, can you confirm that that appears to have been the case?

Mr Collins: Yes.

Ms Cronk: And that they were coming from you on behalf of the minister pursuant to her request for a copy of it.

Mr Collins: Yes.

Ms Cronk: And that was because, according to these e-mails, she had initially made the decision that she wanted to meet but that she didn't want to confirm that or finally decide about it until she'd actually seen and actually read the compliance review, according to this documentation. Is that right?

Mr Collins: Correct.

Ms Cronk: And that takes us then towards the latter part of April, and if we take a look at the next tab, tab 44, you'll see another e-mail. April 26th was a busy day. It confirms that the letter was being sent and this suggests that a meeting was being offered. This was from you to Newton Vanriel. Did you mean by that that in the letter to Sharron Pretty a meeting was going to be offered, or that there was going to be some separate contact with them to suggest a meeting?

Mr Collins: Again, I would say this is simply an extreme short form of my e-mail that I sent to David Clarke. Newton was a colleague in the office who was also familiar with the situation, so I was being extremely brief. Offering a meeting technically did involve waiting for Sharron to see the letter and waiting for a response.

Ms Cronk: So you were signalling to him that it was likely to occur.

Mr Collins: Yes.

Ms Cronk: At what point, Mr Collins, did you first become aware that Sharron Pretty had initiated charges against some of the other board members of the Van Lang Centre with respect to infractions of the Corporations Act?

Mr Collins: Mid-May is probably the closest that I can estimate. I don't remember a precise day.

Ms Cronk: And how did you first become aware of that?

Mr Collins: Again, I don't remember precisely or concretely. It was either through Karen Ridley, the scheduler in our office, or it may have been through a call from the constituency office. Karen Ridley would be the most likely person. I was not able to refresh my memory by asking her.

Ms Cronk: The committee has heard evidence that on May 12th there was a discussion between Sharron Pretty and Karen Ridley in which Ms Pretty disclosed to Ms Ridley that she felt—that is, she, Sharron Pretty, felt—it was too late for a meeting, that the matter was going to court, that there was a June 2 court date, and that the court proceeding concerned what Ms Pretty described as illegal refusal to hand over documents relating to the Van Lang Centre.

Do you recall, with that information in hand, Karen Ridley speaking to you at any point to confirm, or

provide you with information—I shouldn't say "confirm"; provide you with information—that there was a court proceeding either intended or in progress on the Van Lang situation?

Mr Collins: Yeah. Again I'll say yes and expand a little. My recollection is that Karen at some point, whether she was the one that talked to me first or not, but at some point came to me to say: "Uh-oh, there's charges or legal proceedings of some sort involved. What do we do? Is this a problem? Is it not a problem?"—the usual situation. As the scheduler, she would not be expected to know or follow up on those sorts of concerns.

Ms Cronk: What do you mean, "the usual situation"? You've indicated to the committee that she came to you and said that there were charges; what does this mean?—"the usual situation." I don't know what the usual situation is.

Mr Collins: Oh, just that whenever there are legal proceedings involved, or legal matters pertaining to things involving the ministry, the minister or people the minister's going to meet with, we obviously do a little bit of checking to determine whether or not those matters have any bearing on whether or not the minister can meet, whether there's things that we can talk about or not talk about. That's what I meant by "the usual," the sort of standard procedure of being careful around legal matters.

Ms Cronk: Do you now have a recollection of whether it was your impression that Karen Ridley came to you with this information as soon as she had learned of it, or did you have the impression that she had known of it for some time?

Mr Collins: To the best of my recollection, it would have been fairly soon afterwards. I mean, it may have been the next day, depending on my schedule and hers, but it didn't seem to me that this was an old issue that she had known about. It was something that we were trying to deal with reasonably urgently.

Ms Cronk: All right. Well, the information before the committee at the moment, as I indicated, is that on May 12th that discussion took place between Sharron Pretty and Karen Ridley. That would place it on or shortly after May 12th, if your recollection is correct, as to when Karen Ridley provided this information to you. Would that be fair?

Mr Collins: Yes, that seems very reasonable.

Ms Cronk: And then if I could ask you to look at exhibit 14, page 2 of that exhibit, Mr Collins.

Mr Callahan: Is that the same volume?

Ms Cronk: No, it's a separate exhibit. It's exhibit 14, Mr Callahan.

Interjection.

Ms Cronk: No, it's a separate pile of e-mails, exhibit 14 from this morning. If you'd go to page 2—do you have that, Mr Collins?

Mr Collins: Yes, I do.

Ms Cronk: All right. This is an e-mail that the committee looked at this morning. It's dated May 17, 1994, and it appears to be from David Clarke to Brian Sutherland, and it does confirm, in the first paragraph,

that Mr Clarke, as he'd indicated in some of these earlier e-mails to you, was requesting a copy of the compliance review for the Van Lang project. He was asking Mr Sutherland for it, correct?

Mr Collins: Correct.

Ms Cronk: And he also goes on to indicate that the minister's office is chasing him for it?

Mr Collins: Correct.

Ms Cronk: I guess you were the chaser and he was the chatee. Would that be fair?

Mr Collins: Yes.

Ms Cronk: And looking at the second paragraph, he's also telling Mr Sutherland and Mr Shapiro, "They are now also telling me that the rift on the board is widening and will soon end up as a court case (Sharron Pretty taking them to court?)." Now, did you speak to David Clarke after Ms Ridley spoke to you to let him know of the information she'd gained from Sharron?

Mr Collins: I don't recall whether it was speaking to him or sending him an e-mail, but I'm quite confident in my recollection that I followed up with the ministry, David Clarke being the most likely person, once I found out that there were legal proceedings occurring, obviously to get some details.

1600

Ms Cronk: As you recall it, did Ms Ridley tell you that legal proceedings were pending, were in progress, were a fact or just that they were a possibility?

Mr Collins: I don't recall. I remember that it was a quite vague description and at the time that I talked to David Clarke or e-mailed him or communicated with him I myself did not have a clear sense of what legal proceedings or legal matters were occurring. The only legal matter that I had been aware of was the suit involving a former employee of Van Lang. There was nothing else that I knew.

Ms Cronk: And that was separate litigation?

Mr Collins: Yes, and that had been known from very early on.

Ms Cronk: After you got this information from Karen Ridley, did you speak to Ms Gigantes about it?

Mr Collins: Yes, but I cannot recall precisely when.

Ms Cronk: Do you recall how long after you got the information from Ms Ridley that you did so?

Mr Collins: No.

Ms Cronk: Is it the type of thing that, given your daily contact with her, would have been raised by you within a day or two after learning of it?

Mr Collins: If it was convenient. In other words, if the minister was in the office, not busy doing other things, and if we had a chance to squeeze it in between briefings or what have you, I'm quite confident that I would have mentioned it to her. It would have been something that we would both be keenly interested in, but I cannot recall a specific conversation with her.

Ms Cronk: You have no reason to expect that you delayed in communicating that information to her?

Mr Collins: No.

Ms Cronk: Or that there was any reason why you couldn't access her, she wasn't available to you?

Mr Collins: No. You're correct in that assumption.

Ms Cronk: The committee has also heard that on May 19th, two days after this e-mail, there was a discussion between Sue Lott of the constituency office and Sharron Pretty in which quite specifically the fact of the charges was discussed. Did Ms Lott relay any additional information to you that you now recall, indicating that she'd had a discussion with Ms Pretty about that?

Mr Collins: She may have, because as I said earlier, it's not crystal clear in my mind whether I talked to Karen, Sue or both some time during that period. It's quite likely that I did talk to Sue but I can't recall clearly.

Ms Cronk: During this entire period of time, had either Ms Pretty or—I gather Ms Trinh Luu had not contacted you yet; you told us that was only once and it was on June 2?

Mr Collins: She had tried to contact me for a few days ahead of that, but we ended up talking on June 2, yes.

Ms Cronk: I see. So she actually called you a couple of times before you connected.

Mr Collins: Yes.

Ms Cronk: And did Ms Pretty make any efforts to speak with you at any point?

Mr Collins: Not that I'm aware of.

Ms Cronk: All right. And then I gather at some point shortly after this, that is, before your discussion with Trinh Luu, you did receive or had some contact with the constituency office about the matter of the charges? Do you remember that? No.

Mr Collins: I don't recall clearly, as I said earlier, whether I spoke to anyone in the constituency office or not. It's quite probable that someone from the constituency office spoke to someone else in the office who relayed it to me. I was aware that the constituency office knew about the charges or legal proceedings or whatever they were, at that point undefined. I cannot recall whether it was me that spoke to someone there, and it wouldn't be of any consequence whether it was me or someone else.

Ms Cronk: Did you during the month of May 1994 also receive a call from Ms Marland's offices, from a Mora Thompson?

Mr Collins: Yes, I did.

Ms Cronk: And when was that?

Mr Collins: I don't have a specific record of it. It was very close to the end of May, to the best of my recollection, probably the last week of May.

Ms Cronk: I have some questions about that and then about your discussion with Trinh Luu.

Mr Chairman, if the committee was proposing to take a break this afternoon, can we do it now? Would now be a convenient time?

The Chair: Fine. A 10-minute break, a recess.

The committee recessed from 1606 to 1624.

The Chair: The committee will come to order. I have

Mr Sutherland with a point of order.

Mr Kimble Sutherland: I just wanted to raise a point, to let people know that it's my understanding the House leaders have met and they have agreed to allow the committee to sit on Friday. I just at this stage want to ask—I know we've been starting at 9 every morning—that on Friday we request that we start at 10 rather than at 9, to accommodate a member who has a previously scheduled appointment that will not be able to be changed at this stage. So if it is agreeable that we can start on Friday at 10, that would be good. I understand that written confirmation of that should be coming fairly shortly.

The Chair: Does everybody agree with starting at 10 o'clock on Friday? Agreed. Ms Cronk, how is that with your schedule?

Ms Cronk: That's fine. Thank you.

The Chair: Okay, fine. I'll hand the floor back to you, Ms Cronk.

Ms Cronk: Thank you. Mr Collins, could I just ask you to return for a moment, please, to the e-mail message to Brian Sutherland of May 17th from David Clarke. I'd asked you a number of questions about it, but I neglected to direct your attention to paragraph 3 of the e-mail. It's suggested in that paragraph that the minister's office was concerned—perhaps I'll just read it—"that our briefing notes continue to say that everything is under control, but they keep hearing things to the opposite from their own contacts," and then it goes on to again request a copy of the compliance review, and I'll come back to that in a moment. Is David Clarke in the minister's office here in Toronto?

Mr Collins: No. David Clarke is the executive assistant to the assistant deputy minister for the operations division of the Ministry of Housing. In other words, he's the assistant to the person who is Brian Sutherland's boss, and it's that office that I deal with and the minister's office deals with most regularly on social housing matters.

Ms Cronk: And is what he's saying in this memo with respect to the briefing notes, that there was concern being expressed by the minister's offices, that is, the office where you work, about the fact that the previous briefing notes suggested that everything was under control with respect to the Van Lang Centre but in fact your office, the minister's office, was getting information to the contrary?

Mr Collins: Yes.

Ms Cronk: And one case in point, I suggest, is the information provided to Karen Ridley that the matter had actually ended up in litigation and that Sharron Pretty had commenced a legal action, that there was a court date of June 2.

Mr Collins: Yes.

Ms Cronk: That's not exactly under control, you'd agree?

Mr Collins: Yes, obviously.

Ms Cronk: In addition, the second feature of this memo that suggests things may have accelerated, I

suggest considerably, is the indication that the minister's office, that is, the office where you work, was also telling David Clarke of the Ministry of Housing office in Toronto that "the rift on the board is widening."

Mr Collins: Yes.

Ms Cronk: All right. The memo, however, appears to be suggesting that there was some doubt or uncertainty, on the part of Mr Clarke at least, as to whether Sharron Pretty had initiated court proceedings or was taking the board to court, because there's a question mark after his indication of that. Do you see that?

Mr Collins: Yes, I do.

Ms Cronk: And would you agree with me that it is a fair interpretation that Mr Clarke seemed somewhat uncertain of that, because there was a question mark, but he was confirming that the matter seems to be different than the previous background notes from the ministry had suggested?

Mr Collins: I can't, obviously, speak for David Clarke. I would like to put forward a suggestion that this e-mail was probably generated as a result of a discussion that David had with me.

Ms Cronk: And when was that?

Mr Collins: It could have been the previous day.

Ms Cronk: Do you remember it or are you just reconstructing?

Mr Collins: I'm reconstructing, based on looking at this e-mail.

Ms Cronk: Do you remember having a discussion with David Clarke about legal proceedings involving the board and Sharron Pretty?

Mr Collins: I've talked to David Clarke on numerous occasions over the entire period of dealing with this Van Lang issue. I've also e-mailed David Clarke on numerous occasions. I don't remember the specific discussion. I know that, basically, any time I would find out something from the constituency office or from any other source that I had not known about through ministry notes I would talk to David about it so that the ministry was informed and could provide whatever extra information or advice they might have to our office.

Ms Cronk: So you're assuming, then, on the basis of your usual practice, that you would have spoken to David Clarke once you obtained information as to those legal proceedings.

Mr Collins: Yes, and the fact that he's somewhat unclear is probably a reflection that I was somewhat unclear at that time as to exactly what was going on. I just knew there was something happening involving legal matters.

Ms Cronk: It could be, or it could also be that you just don't recall at this point in time the information that Karen Ridley actually gave you?

Mr Collins: That's correct, yes.

Ms Cronk: All right. So with respect to what is contained in the memo as to the state of affairs, leaving aside the litigation, would it be fair of us to conclude that at least at this point in time, May 17, there was clearly information in your offices, which I take it you would be

aware of, that the problem was accelerating, that the rift on the board was greater than it had been and it was not as it was described in previous briefing notes?

1630

Mr Collins: Yes. We had moved from a situation where there was a board member—where attempts had been made to squeeze a board member off the board to a situation where legal proceedings were either happening or a potential.

Ms Cronk: In fact, did this lead, Mr Collins, to a further background note or briefing note, dated May 18th, in which for the first time the Ministry of Housing offices in Ottawa were recommending a meeting by the minister with participants in the Van Lang situation? Do you recall?

Mr Collins: Again, I'm not directly involved in those matters, but given the e-mail of May 17th and the note appearing on the 18th, that would be standard procedure, that the regional office would have responded to David Clarke's or their boss's office's request by producing an updated note.

Ms Cronk: Do you recall actually seeing a briefing note on or about May 18th in which it was being recommended by ministry people out of Ottawa that a meeting now take place?

Mr Collins: Yes.

Ms Cronk: And that was the first time that that recommendation had come forward from Ottawa, wasn't it?

Mr Collins: Yes. Just if I could ask for—if we could step back one moment, the e-mail that we were referring to, page 2 of whatever—

Ms Cronk: Yes, exhibit 14.

Mr Collins: —exhibit 14, indicates that there was a message attached to this e-mail. Do we have the message in the exhibit? The message could be either a file or, what is much more likely the case, another e-mail, perhaps an e-mail from me to David Clarke that he was attaching so that the regional staff could—

Ms Cronk: All I can tell you—I can't help you with that, Mr Collins. All I can tell you is that I have given you the documents in the form which I received them last night from the ministry.

Mr Collins: Okay.

Ms Cronk: What was or wasn't attached to it I don't know and I may or may not have. I don't know. Is that what that indication on the bottom means? If it says "Message," there was a message?

Mr Collins: Yes. All I can say is that technically, if this e-mail was able to be produced, so will the message that is attached to it, and it may or may not be of interest to know what that was.

Ms Cronk: So when I read at the bottom of these various e-mails something that says "Files" and then an indication of "Message," it means there was an attachment of some kind?

Mr Collins: Yes.

Ms Cronk: I see. All right. Thank you for that. I didn't know that.

With respect to the May 18th background note, do you recall the one of which I'm speaking?

Mr Collins: Generally, yes.

Ms Cronk: If you look at tab 46, if you still have exhibit 1, volume 2, this is the background note of May 18th, and I draw your attention particularly to page 3. Do you have that?

Mr Collins: Yes.

Ms Cronk: In the second bulleted paragraph, Mr Collins, it contains a recommendation that, "The minister, together with the regional manager"—from Ottawa; that in this case would be Brian Sutherland—"and other staff meet with all Van Lang Centre board members to assist in resolving the present internal strife and respond to the concerns of all parties involved."

In so far as the committee is aware, based on the documentation now before it, this was the first time, as I suggested to you a moment ago, that the Ottawa MOH offices were proposing a meeting, and the part of the recommendation that I'd like you to focus on for the moment is that this is a recommendation, in the sense of an identification of the action required, that a meeting take place with all of the Van Lang board members. Correct? That's what the language is of this.

Mr Collins: That is correct. Could I make a comment on your earlier supposition?

Ms Cronk: Yes.

Mr Collins: Seeing these notes on a daily basis, many more of them than I would like to see sometimes, I would not read the last bullet point as a recommendation from the regional office. I would read it as a statement of fact that there had been a decision to meet. At that point it would be rather fruitless and ridiculous for the regional office to do anything other than acknowledge that a decision was taken to have a meeting and start incorporating it into their daily business, including any notes that came forward.

Ms Cronk: Well, Mr Collins, can I just make sure I understand what you're telling me? We've looked at a number of e-mails that make it clear that until the minister saw the compliance review, up until the end of April, a meeting was unconfirmed. Am I right so far?

Mr Collins: Correct.

Ms Cronk: We went back and we looked at those. Then coming through on May 17th is this e-mail to Brian Sutherland in which information's being provided about the potential for court proceedings and widening difficulties on the board. And then the very first piece of paper of which the committee is aware in which from the Ottawa MOH staff there's an indication that there will be a meeting or that there should be a meeting is this one, the May 18th background note that I'm telling you about. Are you saying to me that some time during the first two weeks of May there was a decision that a meeting should take place?

Mr Collins: No. My sense, given the materials and my own memory, is that I had referred from the beginning to the fact that a meeting was more or less a fait accompli. I had no reason to believe that once the minister saw the compliance review and once I saw the

compliance review, that would somehow remove the necessity or the desire to have a meeting, nor did I have any sense that when Ms Pretty received her letter, somehow she would be satisfied and convinced that the ministry had resolved her concerns.

So my assumption, and I think it's reflected in my correspondence that's here, and it certainly is my memory that when I was discussing things with ministry staff, which is who's produced this note, my communication was of a sort that they would assume that a meeting was going to happen. It was just a matter of when.

Ms Cronk: You've explained what your own assumption was when the response went out to Sharron Pretty, and what your own expectation was, and my question to you is this: Are you in a position to tell the committee that the minister had made a decision in the first two weeks of May to meet with this group?

Mr Collins: No, I'm not.

Ms Cronk: All right. So when you made the clarifying statement that you wished to offer a moment ago, are you suggesting that the MOH people in Ottawa had been told there would be a meeting and were simply assuming that there'd be a meeting, or was this not their own proffered suggestion for action to be taken in the case?

Mr Collins: Again, I cannot—first of all, I'm not responsible for some of the contact with the ministry in terms of setting up the logistics of the meeting, nor would I pay any attention to it on a day-to-day basis.

My sense and recollection of the history during this period is that there was some confusion around who the minister would be meeting with, when, whether she would be meeting with them. All I know is that from my discussions with Evelyn, her concern was about the management compliance of the Van Lang Centre. That, to me, suggested that it would be a meeting with the board, the entire board.

There was some questioning as to whether there would be a necessity to have a pre-meeting, which in the most likely case would be Ms Luu and Ms Pretty, and it's quite probable that both staff in our office and within the ministry were, not having been given very explicit, clear instructions either way, somewhat confused as to exactly what this meeting was going to contain, who would be going etc.

So I don't—again this is my own view, but going through these sorts of matters on a regular basis, I don't read a whole lot into some of the fuzziness and apparent contradictions during this period in terms of someone suggesting a meeting should be set up with person X, and I'm talking to David Clarke about a meeting with the board or the group. It's just sort of the normal lack of clarity that accompanies these sorts of things when there are multiple requests coming in. We of course, by that time, had had requests from both Ms Luu, Ms Luu and Ms Pretty, and the board to meet.

Ms Cronk: Over the course of the preceding year.

Mr Collins: Yes, and some of the people involved, probably most of the people involved in this, other than Karen Ridley and myself, would not have been aware of those requests.

1640

Mr Harnick: I'm becoming more confused by the minute, but I thought that what you were being asked was whether the Ottawa ministry staff were now recommending a meeting, because that's what the document appears to say. You were asked to clarify that and what I got was, "It was fuzzy, and nobody really knew what was going on." But are you telling us, from your answer, that the Ottawa staff were not recommending the meeting and that this recommendation for a meeting was coming from somewhere else? I think that's—

Mr Collins: No, that's not what I'm saying. What I'm saying is that unlike the other meeting request forms that from my observance of the committee to date, you have looked at, meeting request forms that are filled out by the regional staff—again, standard procedure; any time there's a meeting those forms are filled out—this is not one of those forms. So the fact that there is a briefing note that suggests that a meeting is going to occur, to my mind—and again, you'd have to talk to the regional staff; I can't speak on their behalf. But if I received this note cold and someone put it in front of me and said, "Does that, to you, represent a recommendation from the regional office to meet?" I would say, "No, it represents a statement of fact."

That's the only point that I'm making, just that this is not a meeting request form.

Mr Harnick: All right.

Mr Collins: There wasn't a meeting request form sent to the regional office, to my knowledge, post the minister making her decision to meet. We don't ask the staff to fill out forms when we've already made a decision.

Mr Harnick: Just for clarification, then, if this is a statement of fact, some day preceding this date when this statement of fact was made, there was a decision presumably made by someone to have a meeting.

Mr Collins: And my attempt—and I was probably inarticulate, but what I was attempting to say to Ms Cronk earlier is that that may or may not be the case, I can't say, but what I can say is that I characterized the meeting as essentially a fait accompli when dealing with ministry staff. I had no question in my mind that there would be a meeting occurring at some point. I had no question in my mind that Ms Pretty would not be satisfied with the April 25th letter, if I'm remembering the date correctly. It was simply a matter of: "Send the letter out. She'll get back to us and ask for a meeting. In the meanwhile, let's see if we can set one up. Let's see if we can get the compliance review." We were very busy. It may very well have been several weeks, and as it turned out it was several weeks that passed before a time slot was available.

Ms Cronk: All right. May I just make sure that I'm clear on what your evidence is. Sorry, Mr Harnick, did I cut you off? Is that—

Mr Collins: Does that—

Mr Harnick: Well, if we're trying to tie this all together factually, I know that there was a period of time where the minister said, despite the fact that you disagree, that there was going to be a meeting and there was some

correspondence to the effect that, or e-mails going back and forth to the effect that, "Yes, there was going to be a meeting but we had to get this compliance review report in front of the minister first." All I want to know is that there is no other evidence that a meeting was being recommended, other than the fact that the minister said, going back to, I guess it was April, the end of March, beginning of April, that there will be a meeting.

Interjection: April 14th.

Mr Harnick: And other than that decision made by the minister, there was no other decision or discussion that there was going to be a meeting; that was the decision and now it was a matter of putting it together in terms of timing, documentation and everything else.

Mr Collins: That is my recollection of what occurred during that time period, remembering, of course, that it was a combination of myself and Karen Ridley who were dealing with the actual ministry staff. The minister herself never said anything to the ministry staff one way or the other.

Ms Cronk: Okay, thank you.

Mr Harnick: Thank you.

Ms Cronk: May I just be clear about this, then, and I want to have an understanding, Mr Collins, of what you are indicating to the committee is fact and what you are indicating to the committee is your sense of what was occurring, looking back on it, the two being quite different, you would agree with me.

Mr Collins: Yes.

Ms Cronk: All right. As a matter of fact, I understand you to be saying to the committee that in your mind a meeting was likely to be inevitable following receipt by Sharron Pretty of the response letter of April 25th because you expected her not to let the matter drop and to pursue the request for a meeting. Am I right?

Mr Collins: That's correct.

Ms Cronk: And in that context, it was Sharron Pretty and Trinh Luu who had triggered the most recent request for a meeting by their letter of March 4th, 1994.

Mr Collins: That's correct.

Ms Cronk: And it was Sharron Pretty who had been in contact with Sue Lott and the constituency offices to inquire about a meeting at that point in time; it was in response to their letter that there were communications with the constituency office, or do you know that?

Mr Collins: I'm not aware of—I wasn't involved in communications that I can recollect around the meeting request.

Ms Cronk: I didn't suggest you were, Mr Collins. I was talking about the constituency office, and I take it you're not in a position to confirm that one way or the other then?

Mr Collins: No, I'm not.

Ms Cronk: Then in so far as you were concerned, because in your mind a meeting was going to occur, you take from this background note prepared by the MOH offices in Ottawa that they were simply reacting to a fact, but that's the interpretation you place on it because you, in your discussions with them, treated it as if a meeting

would in fact take place.

Mr Collins: Yes. I think again to the best of my recollection that that is contained in e-mails to David Clarke, that I essentially said, "A meeting is going to occur," or in discussions with David Clarke, that the minister and I will meet.

Ms Cronk: Well, forgive me, Mr Collins, the e-mails are before you, we looked at them, and what the e-mails appear to suggest is that the minister wanted to see a copy of the compliance review and to discuss it with you before making a decision on a meeting. There is no e-mail of which I'm aware in this period of time when you indicate that the minister has decided a meeting will occur. Are you suggesting that you have a memory of that?

Mr Collins: Well, could I take a moment to review the e-mails?

Ms Cronk: Absolutely.

Mr Collins: If you look at e-mail number 6 or page number 6, sorry, in exhibit 14, is it?

Ms Cronk: Mm-hmm. Can you give me the date, because mine's a bit out of order.

Mr Collins: April 25th, 1994, from David Clarke to myself. Again, this is just the first one I've tripped across. He's asking me: "Any idea when you and the minister will be meeting with the group? Will it be in Ottawa?" To me, that is confirming my recollection that in my speaking with David Clarke, I was referring to the meeting, the proposed meeting, as a fait accompli.

Ms Cronk: Yes, I'm sure you were, Mr Collins, but what I'm trying to be clear of here—and I wish to be fair to you, but I thought we'd just gone through this—is that what the e-mails reflect is that the minister, as distinct from what was in your mind—

Mr Collins: That's right.

Ms Cronk: —wanted to see the compliance review, wanted to read it, wanted to discuss it with you and then wanted to decide whether there was going to be a meeting. I'm suggesting to you, and please correct me if I'm wrong, that there is no e-mail here indicating that the minister during the first two weeks of May had herself reached a decision that there would be a meeting. Am I right so far?

Mr Collins: You're absolutely correct.

Ms Cronk: Thank you. So whatever was in your mind about the matter, things do happen. You might have been right but you might also have been wrong.

Mr Collins: Yes, and the only relevance—you're absolutely right, it doesn't matter what I thought in my mind. The only relevance to this that I could see is that the eastern regional office's preparation of a note was probably in response to discussions or e-mails or both with David Clarke.

Ms Cronk: Well, forgive me, Mr Collins, you don't know that, do you?

Mr Collins: No, I don't, but that would be the standard procedure. They do not deal with me directly in anything other than very extraordinary circumstances.

Ms Cronk: I put to you a little while back that they

had a May 17th e-mail directed to Brian Sutherland from David Clarke in which he was saying, "There's a problem with the background notes here," and I thought we'd agreed that it was that and the information in it that may have triggered the May 18th background note. So I actually don't think we're disagreeing, because we'd already looked at that, right?

Mr Collins: Mm-hmm.

Ms Cronk: Okay. So can I come back then to what the background note itself appears to say, and that is, by its language, would you agree with me that it's suggesting that the minister, together with the regional manager—I take that to be of the eastern office, Brian Sutherland—and other staff would meet with all Van Lang Centre board members as set out in that bulleted paragraph.

Mr Collins: That's what I would read it to say.

Ms Cronk: So whatever the source of their information, they seem to be thinking at that time the meeting was going to be with the entire board. Is that fair?

Mr Collins: Yes.

Ms Cronk: Okay. And what you've said, and in fairness to you I want to make it clear, is that you were, in your communications with them, treating the meeting as a fait accompli and you were no doubt communicating that to them.

Mr Collins: Correct.

Ms Cronk: Is that what I should take from this exchange?

Mr Collins: Yes.

Ms Cronk: What I also understood you to be saying was that as you moved through this paper, there was some confusion you feel as to who the meeting was going to be with and as to whether it would be with the entire board or with Sharron Pretty or Trinh Luu.

Mr Collins: That's correct.

Ms Cronk: Is that fair so far?

Mr Collins: Yes.

Ms Cronk: Would you also agree with me that some of these e-mails that we've already looked at do suggest by their language a meeting with Sharron Pretty as distinct from the board as a whole, but there's also some that leave that open to question, and then this one which specifically talks about a meeting with the board.

Mr Collins: That's correct.

Ms Cronk: Is that a fair summary?

Mr Collins: Yes.

Ms Cronk: Okay. Thank you very much. Then we come forward to the discussion which I understand you had in the latter part of May with Mora Thompson of Ms Marland's offices, and it's my understanding that that contact occurred on or about May 27th. Is that consistent with your recollection?

Mr Collins: Yes.

1650

Ms Cronk: Ms Mora Thompson, the committee has heard, is an executive assistant to Ms Marland. Did she initiate the call to you?

Mr Collins: Yes.

Ms Cronk: Did you speak with her?

Mr Collins: Yes.

Ms Cronk: What was the nature of the discussion you held with her at that time?

Mr Collins: Ms Thompson was calling me to let me know that Ms Luu had visited their office and had either dropped off material or had discussed a wide range of material related to the Van Lang Centre. If I recollect, I sort of let Ms Thompson know immediately that I had a very good sense of what this material was and she didn't need to detail it for me; to let me know that their office was now aware of this issue, that they had been asked to raise it in the House; that upon review of the material, they felt that the ministry was actively involved in trying to resolve the issues and was certainly aware of the issues; and that she wanted to let me know that they were obviously also now aware of it and would be watching closely to see if there was a quick resolution to the issues.

Ms Cronk: Did she mention anything during the course of that discussion about pending legal proceedings?

Mr Collins: I do not recall whether Ms Thompson or whether I discussed legal charges, matters, procedures during that call.

Ms Cronk: Was it suggested during the course of the call by Ms Thompson that the minister should meet with Trinh Luu?

Mr Collins: I don't recall. What I'm saying, I guess, is that I wouldn't say yes or no to that. It's a possibility, but I do not have a clear recollection of it. There's an aspect to the call that I very clearly recollect because it was an unusual call, but I can't recall whether we talked about the potential upcoming meeting.

Ms Cronk: Could I stop you there, Mr Collins, because it's important that you understand the question I'm putting and that I understand the answer, but that they both be somehow connected.

Mr Collins: Okay.

Ms Cronk: The question was this: Did Ms Thompson suggest to you during the phone call that the minister, Ms Gigantes, should meet with Trinh Luu? I think your answer was, "I don't recall, but I wouldn't have answered that," which is a little different. It presupposes that she raised it. So do you have any recollection of whether she said in the call that the minister should meet with Trinh Luu?

Mr Collins: If what you just described to me is what I said, then I would certainly like to clarify. The answer is I don't recall. To be very clear, I would not have had any reason to say one way or the other. I certainly would not have said that there was not going to be a meeting. It's quite clear that we were in the middle of a process of setting up a meeting.

Ms Cronk: Should I take from that that you don't recall saying anything to her about a meeting one way or the other?

Mr Collins: I don't recall one way or the other, but

if asked, I certainly would not have said that there was not going to be a meeting.

Ms Cronk: What is the aspect of the conversation that does stand out in your memory that you alluded to a moment ago?

Mr Collins: Well, at the time I was very impressed and pleasantly surprised that the Housing critic of the third party's office would call our office to let us know about an issue that quite likely was worthy of a question in question period and to prewarn us of that. That's an extraordinarily rare occurrence.

Ms Cronk: Had it ever happened in your experience before while you've been at the minister's office?

Mr Collins: No, no. Since the time I've been in there, I've not received a call of that nature from either of the opposition parties' offices.

Ms Cronk: Where I come from, Mr Collins, that might be described as a favour, a prewarning.

Mr Collins: Yes.

Ms Cronk: Yes? Was she effectively telling you that this was a problem and if the minister didn't get on it and if it wasn't dealt with, they'd be watching it and it might be raised in the House?

Mr Collins: Yes. In a very professional, businesslike, pleasant way, yes.

Ms Cronk: Was the essence of that prewarning, if I could put it that way, or that message, that Trinh Luu had told them she wanted a meeting with the minister and that the ministry or the minister should be responding in some way to that?

Mr Collins: I don't recall any discussion about a meeting with the minister during that call.

Ms Cronk: Sorry, I didn't mean to re-emphasize that, because I understood your answer. Was she asking you to do anything specifically by way of response, or was she suggesting that there should be a response to Trinh Luu or Sharron Pretty?

Mr Collins: Yes. Well, she was saying that the issue should be responded to, and my recollection is that I let her know that we were very well aware of the file and had been dealing with it for a number of months and were actively attempting to deal with it.

Ms Cronk: And did you give her any indication as to whether you would speak with Trinh Luu or Sharron Pretty?

Mr Collins: No.

Ms Cronk: And subsequent to that discussion, did you tell the minister you'd received that call?

Mr Collins: I know I discussed it with others in the office. I cannot recall whether I discussed it directly with the minister.

Ms Cronk: I take, from the way you've so candidly and quickly described it, that it was quite an unusual call?

Mr Collins: Yes.

Ms Cronk: And as you say, you were pleased to receive it and thought it was a very professional communication.

Mr Collins: Mm-hmm. And at the time, I remember distinctly mentioning it to a couple of other people in the office because of its unusual nature. Whether that included the minister I honestly can't recall.

Ms Cronk: That's what I was wondering, because of its unusual nature, whether it stands out in your mind that you would have told her about it. Is it probable, looking back on it, that it's the kind of thing, again given the frequency of your contact with her, that you would have drawn to her attention?

Mr Collins: It's probable, but again I don't have a—

Ms Cronk: You can't be certain.

Mr Collins: I cannot be certain.

Ms Cronk: All right. So where we are then, as I understand it, after this telephone call from Mora Thompson, based on what we've looked at this afternoon, is that there is information available to the minister's office suggesting either that legal proceedings have in fact been commenced through that information being available from Karen Ridley, based on her discussion with Sharron Pretty, that the rift is widening on the board, that there was some apparent difficulty with the background notes and another is produced, for whatever reason, and it's now being, in your mind, inevitable that a meeting is going to take place, and then you get a call from Mora Thompson saying, "We're on this, and if there's no response we are going to raise it in the House." Is that a fair synopsis of those events?

Mr Collins: Yes.

Ms Cronk: All right. And would you agree with me that that heightened the sensitivity of this matter somewhat, given that the opposition was now telling you, "We're not going to go away on this; we're going to be monitoring this and you'd better respond to it"?

Mr Collins: I want to be very careful in the way I word this so as to not attempt to offend Ms Marland or her office, but at the time, I did not feel that anything more could be done with the file than we were already doing. Given the number of other—this was in the context of a number of other audits of troublesome non-profit projects being released in the House. The thought of one more showing up in the House was not, to me, the end of the world, and I didn't feel that, based on that call, there was something we could do to somehow resolve this in the next immediate short while.

My discussions with the minister up to that point had—I think we had a common understanding that there were serious longer-term problems with this project and it was simply a matter of trying to figure out a way to sort of steer it in the right direction, with the understanding that it would probably be a fair length of time before the project would be considered fully in compliance with the ministry's management and operational expectations. It wasn't a quick fix, in other words.

Ms Cronk: Had there been a decision at that point, at May 27th, when you got that call from Mora Thompson, by the minister to go forward with the meeting?

Mr Collins: I don't recall. I do not have a sense of precisely when a decision was made to go ahead with the meeting or not.

Ms Cronk: You don't recall one way or the other?

Mr Collins: No.

Ms Cronk: So you're not in a position to give the committee any information as to when that decision was in fact taken by the minister?

Mr Collins: No, I'm not. As I said, in a perhaps somewhat inappropriate way, I had been operating under the assumption for several weeks that there was going to be a meeting.

Ms Cronk: I understand where you were coming from. I'm asking you about the minister.

Mr Collins: Yes.

Ms Cronk: And you can't help us as to when that decision was made by her or whether it had been made as at May 27th.

Mr Collins: I knew there were people working on the logistics of setting up the meeting and I knew that, as a result of finding out about the legal proceedings, there was a pause while we examined that situation that might have affected whether or not the meeting occurred. But in terms of, for example, when a meeting date was confirmed or when meeting dates were confirmed, when or if the minister actually said specifically to someone, "I'm definitely going ahead with the meeting," I have no direct knowledge of that.

Ms Cronk: Thank you. May I please understand why there was a pause when you found out about the legal proceedings? What was it that you understood had to be found out about that?

Mr Collins: At the time, as I said, there was a vague suggestion that there were some legal proceedings or legal matters occurring, no specific definition of what those were.

Ms Cronk: Can I just stop you there for a sec, Mr Collins? You say "vague" in a sense that, I take it, looking back on it yourself, you think your knowledge of it was vague at that point.

Mr Collins: Yes, I'm sorry. My knowledge was vague. Obviously, the actual events were not vague.

1700

Ms Cronk: But beyond that as well, there'd been a discussion between Sharron Pretty and Karen Ridley on May the 12th when—you're not in a position to indicate whether more specific information was or was not communicated in that call, am I right?

Mr Collins: That's correct. All I know is that the communication to me about the specifics of any legal proceedings or matters was vague enough that I didn't have any comfort level with what they were or what they were not and whether or not it would affect the minister's or my ability to deal with this file.

Ms Cronk: What, if anything, did you personally do about that?

Mr Collins: My recollection is that I went to David Clarke and suggested, and it may in fact have been as part of a previous e-mail where he had noted to the regional office that there were—question mark, is Sharron Pretty suing the board, or something along those lines. To put it into very simple terms, request of the operations

ADM's office to find out what these charges were.

Ms Cronk: Did you make that request?

Mr Collins: Yes, and they of course passed it on to the regional office.

Ms Cronk: When did you get a response to that?

Mr Collins: To the best of my recollection, we didn't ever get what I would call a thorough response. At the time of the June first Sun articles, a decision was made to try a different route. I went through the deputy minister's office to ask the legal director to basically find out for sure exactly what was going on in this situation.

Ms Cronk: That was after, you said, the Sun articles. Do I take that to mean the articles under Mr Wallace's byline that appeared on June the first?

Mr Collins: Yes.

Ms Cronk: From your perspective, what were you seeking? What information was it that you were seeking with respect to the charges?

Mr Collins: Aside from the usual who's suing whom, I was primarily concerned about whether any of the legal matters involved the minister or the ministry directly. In other words, was there the potential or was there in fact anyone involved in this situation suing the ministry, and effectively to confirm that the charges or any legal proceedings that were out there were in fact, to use someone else's term, "internal" matters that would not have a direct bearing on any ministry-management compliance issues, they would not affect the ministry's operating agreement or, in this case, memorandum of agreement with the group. Basically, just making sure they were sufficiently distant that we did not have to be concerned about discussing them or acknowledging them.

Let me clarify. Discussing the merits of a case would obviously be totally unacceptable, or approaching anybody that was prosecuting the cases or the crown or what have you. But what I was more concerned about was that given that these legal matters seemed to be part of the evolution of the breakdown of things at Van Lang, we obviously needed to be able to acknowledge that. If it was a matter of, for example, not being able to speak to someone involved in those legal proceedings, that would have eliminated the opportunity for a meeting, since virtually either all or almost all of the board members of Van Lang were involved.

Ms Cronk: In what circumstances would a meeting, in your mind, have been precluded?

Mr Collins: If, for whatever reason—and again, I didn't have a great deal of reason to believe that it would be the case in this situation—a board member or if a corporation operating under our program was suing the ministry, for example.

Ms Cronk: Or the minister.

Mr Collins: Or the minister personally, yes, or, for example, me or someone in her office, as unlikely as that would be.

Ms Cronk: In those circumstances, in your view, a meeting would not have been possible, in either of those two events?

Mr Collins: If we had found out that the minister or

the ministry was being sued, it would have involved a further level of checking with the ministry's chief lawyer for very specific advice on exactly what can be said or done under these circumstances, because I personally would not be able to advise on that.

Ms Cronk: Would not be?

Mr Collins: No, I'm not in a position to—I'm not a lawyer and I don't have an extensive legal knowledge of those things.

Ms Cronk: Well, then, when I asked you a few minutes ago in what circumstances would a meeting have been precluded, do I take from your answer that if you had learned that either the minister or the ministry had been sued or named in these proceedings, in your view that would have triggered a different and further level of inquiry to determine if a meeting was possible?

Mr Collins: Yes.

Ms Cronk: And do I understand you to be saying that that would be a matter upon which you would not advise but someone else would, with legal training?

Mr Collins: I might make the request, but it would be the ministry's legal director that would advise—

Ms Cronk: I understand.

Mr Collins: —on whatever various concerns there might be under those circumstances.

Ms Cronk: And short of that, Mr Collins, that is, short of the minister herself being named in the suit, which of course factually did not occur, and short of the ministry actually being named, charges against the ministry, are you saying that in your mind there would have been no difficulty in going forward with a meeting?

Mr Collins: I wouldn't say "no difficulty." I would say that we would need to know, as we asked, precisely what all the legal proceedings were before meeting, but in my mind and to my knowledge and understanding of the various governances around these things, it would not have prevented a meeting from occurring.

Ms Cronk: But in terms of the nature of the advice that you provide to the minister in your capacity on policy, as well as you indicated earlier with some political aspect to it, in other words, assessment of the political significance, I take it, of doing or not doing certain events, from those perspectives, in your mind would there have been any reason not to meet, simply not to meet, if the minister wasn't involved or the ministry wasn't involved?

Mr Collins: Sorry. I'm going to have to ask you to restate that so I can try to follow.

Ms Cronk: Leaving aside the issue of whether there was any legal impediment, right?

Mr Collins: Mm-hmm.

Ms Cronk: From a policy and political assessment point of view, if it was a situation where the minister wasn't named and the ministry wasn't named, would there in your view have been any reason to hesitate or would the minister have been free to go ahead with the meeting?

Mr Collins: Again, assuming that advice was being provided by the ministry, even on the less significant

minister not directly involved or ministry not directly involved, to my knowledge there wouldn't be, and of course in this case the existence of the legal proceedings was an illustration that a situation that had been bad was getting worse, so it would have the opposite effect.

Ms Cronk: Opposite in what sense?

Mr Collins: In that it suggested to me ever more clearly that perhaps the minister's personal presence could be helpful in this situation.

Ms Cronk: And when was the information forthcoming to you that you ultimately had requested through the deputy minister's office for information as to the exact nature of the proceedings, the charges?

Mr Collins: There was sort of a two-staged situation is how I remember it. Knowledge of whether or not the minister or the ministry was directly involved came in formally very quickly after the initial request. That's something that is, again, not knowing the technical procedures, but I assume that's a relatively simple thing for our legal branch to determine. The more complex note that dealt with the details of the matters related to the Van Lang board members arrived, um—June 16th is the best of my recollection. It was reasonably late in terms of, uh, timing and having a chance to review it before the meeting.

Ms Cronk: So as I understand it then, after your discussion with Mora Thompson on the 27th of May, the next event that occurs is the Wallace articles that you've referred to in the Sun on June the first, with respect to these terms?

Mr Collins: Yes, in terms of my memory now, that was the next sort of significant milestone.

Ms Cronk: And is it then the very next day that you have a discussion with Trinh Luu?

Mr Collins: Yes.

Ms Cronk: And did she initiate that call or did you call her?

Mr Collins: Trinh Luu had been attempting to reach me for a number of days. I had received e-mail notifications that she was trying to reach me. It was not until June second that I actually had a chance to speak to her.

1710

Ms Cronk: And do you recall the nature of the discussion that you held with her on that day, in general terms?

Mr Collins: Yes. And obviously, people are aware there's an transcript—

Ms Cronk: Yes. I'm just going to get you a copy of that. It's exhibit number 10. Mr Collins, at my request, did you earlier review a copy of this transcript?

Mr Collins: Yes, I did.

Ms Cronk: Does it accurately set out, from your point of view, the nature of the telephone discussion that you held with Trinh Luu on June 2?

Mr Collins: I would say it's substantially accurate. As I mentioned to you earlier during our interview, I have some sort of mental recollection of more occurring at the beginning of the conversation than is here, but I wouldn't put my memory up against the transcript. I'm saying my

recollection is not so clear that I would have reason to doubt this transcript. I would say it is accurate.

Ms Cronk: So you think there may have been more at the beginning of it, but you're not disagreeing with or disputing the content of the transcript itself.

Mr Collins: Yes. Again, only because of the line on page 2, where Ms Luu is apparently saying, "According to your message, you said that you can't see any point in...meeting." I have absolutely no recollection of leaving a message of that description and would have had no reason to do so at the time.

Ms Cronk: Did you tell Ms Luu during the course of this telephone discussion that it would put the minister in an awkward position, given the legal case involving Sharron, to meet on this matter?

Mr Collins: Yes, I did.

Ms Cronk: Was that your view at the time?

Mr Collins: It was my view in terms of dealing with people on the outside of the ministry. I was wanting to be overly cautious, given that at that point I did not have any clarification from the ministry's legal branch as to— at that point I wasn't even sure that I knew about all of the charges that might have been outstanding or pending.

Ms Cronk: Was it your view at the time that it would put the minister in an awkward position, given the legal case involving Sharron Pretty, to meet?

Mr Collins: It was my view that it had the potential to, or that something unknown at that point might have the potential to.

Ms Cronk: But did you tell Ms Luu that it had the potential to put her in an awkward position or that it would put her in an awkward position?

Mr Collins: I think I probably said it would put her in an awkward position.

Ms Cronk: And is that what you meant?

Mr Collins: What I'm attempting to articulate is that I was purposefully being overly cautious when dealing with someone who was not the ministry's legal advisers. Given what I said earlier, it's my understanding that if, for example, other charges that no one had brought to my attention had been discovered or revealed, depending on the nature of those charges or legal matters there might have been a situation where it wouldn't have been appropriate for the minister to meet or talk to people related to this case.

The Chair: A question from Mr Murphy to you.

Mr Murphy: Sorry, counsel, and it may or may not be very important. On page 19 of this transcript, and I think you put it to this witness whether it was accurate, the one question I have—about halfway down there's a long paragraph.

Ms Cronk: What page, Mr Murphy?

Mr Murphy: Page 19, and it's "M" next to it. Just from reading it, I think that might actually be Trinh Luu speaking, as opposed to—

Mr Collins: It is crossed out on my copy and replaced with a T.

Ms Cronk: Sorry, it should have been on yours.

Mr Murphy: Okay.

Mrs Marland: Mr Chair, Mr Murphy's mike wasn't on during that little question.

The Chair: The mike was working; the light didn't go on.

Mrs Marland: Thank you.

Mr Murphy: People say that about me a lot.

Mr Owens: You said it, not me.

Ms Cronk: Mr Collins, if I can just understand what you're telling the committee, are you saying that because you were dealing with someone not from the ministry staff and not a legal adviser to the minister, you expressed the view that meeting, given Sharron Pretty's involvement in a legal case, might put the minister in an awkward position, but what you really thought at the time was that it would potentially do so?

Mr Collins: My recollection is that I was most concerned about the unknown. In fact, my own clear—well, to my view, clear—sense of what the pending legal matters involved occurred when I talked to Ms Luu. She explained it to me in a manner that no one else to date had. Despite that, I was still concerned that our own legal branch might turn up something that had not yet been known to me—

Ms Cronk: I'm just trying to understand the distinction I thought you were drawing, because you talked about speaking to someone "who was not a legal adviser" and someone "outside the ministry." You have acknowledged, and the transcript indicates, that you told Ms Luu that because of the legal case involving Sharron Pretty it would put the minister in an awkward position to meet. You've acknowledged that you said that.

Mr Collins: Yes.

Ms Cronk: Then I thought you were telling me that you exercised caution, great caution, because you were speaking to someone from the outside, if I can put it that way, from outside the ministry staff, and I understood you to say that you were concerned about the potential for it. I'm trying to understand where that leaves the committee.

Are you saying that in your mind you were concerned about the potential for putting the minister in an awkward position, or did you in fact feel at that time that the fact of that lawsuit, as described to you in this conversation, would put the minister in an awkward position to meet?

Mr Collins: Absolutely. It was the potential.

Ms Cronk: All right, but that's not what you told Ms Luu?

Mr Collins: That's correct, and I'm acknowledging that I was purposefully being overly cautious, given that I knew Ms Luu was one of the people who wanted to meet with the minister, had been involved with Ms Pretty, and I did not want to give any expectation of a meeting in the very near future.

Ms Cronk: You were in fact, by the language that you used, suggesting quite the opposite, weren't you?

Mr Collins: That's right.

Ms Cronk: You also told Ms Luu in the conversation,

did you not, that the fact that there were allegations of coverup by the regional staff, which she mentioned in the call, made things very delicate?

Mr Collins: Yes.

Ms Cronk: And that you needed to talk to the minister about it?

Mr Collins: Yes.

Ms Cronk: Then you had a discussion with Ms Luu, as I read the transcript, about the nature of the proceeding and some of the history and you returned—I'm looking at page 6, Mr Collins—to the theme of the fact that the regional office had been implicated in some of the allegations made by Ms Luu. You refer to that about midway down the page. Ms Luu replies: "I don't implicate anything. I just want Evelyn...to look at the evidence and it's up to her." So part of the conversation is concerning the potential implication of the ministry, through its regional staff, in the allegations that had been made by Ms Luu and Ms Pretty. Is that correct?

Mr Collins: That's correct, yes.

Ms Cronk: You then again told Ms Luu that you were going to talk to the minister that evening?

Mr Collins: Yes.

Ms Cronk: And you asked specifically what the legal action was that was going on and Ms Luu said to you, "It's a minor charge, and, you know what? Sharron has the right where, every director according to the Corporations Act" and she went on to say "has the right to access to the corporation's documents" and she explained to you what had happened, from her perspective?

Mr Collins: Yes.

Ms Cronk: And you asked her what the status of it was, where it was all standing? You asked and were told who was involved in the charges.

Mr Collins: Yes.

Ms Cronk: You asked whether the other litigation involving the first project manager, Ms Trinh Tran, was pending or had been completed, over at page 9.

Mr Collins: Yes.

Ms Cronk: And Ms Luu provided you with some information about that.

Mr Collins: Correct.

Ms Cronk: Then over at page 11 you again tell Ms Luu that you were going to talk to the minister and you indicated that you would do so that night.

Mr Collins: Correct.

Ms Cronk: You also told Ms Luu that the minister was going to have to talk to the ministry lawyer about the whole situation.

Mr Collins: Correct.

Ms Cronk: Your conversation continues with her for some time and you talk about a variety of matters, including the response from the ministry to Ms Luu that had been made. You went on to make some inquiries about media contact—I'm over at page 18—and you went on to say, at page 20, "that in some very delicate situations where there are legal cases pending it's sometimes better only for the professionals in the ministry to deal

with things." I take that to be as distinct from the minister?

Mr Collins: That's correct.

1720

Ms Cronk: And you had a conversation about that and you concluded the conversation by indicating to Ms Luu that you would be back in touch with her shortly?

Mr Collins: That's correct.

Ms Cronk: All right. Should we take from the transcript of this discussion—and I ask for your own recollection of the discussion if you have any, Mr Collins—that what you were saying to Ms Luu, at least in part, in this conversation was, "You've got an outstanding legal action; tell me about it," and she did. Right? And she provided you with facts about it, right?

Mr Collins: Yes.

Ms Cronk: Yes. And you were telling her that the fact of that legal action involving Sharron Pretty would put the minister in an awkward position with respect to a meeting?

Mr Collins: Yes.

Ms Cronk: And that it was a very delicate situation.

Mr Collins: I think "delicate" referred to the other issue, but I can't recall.

Ms Cronk: So "delicate" because there'd been implications of Ministry of Housing staff involved.

Mr Collins: Yes.

Ms Cronk: And you told her you would speak to the minister about it. Indeed, at one or more parts of the transcript of the discussion you said that you would do so that evening.

Mr Collins: Yes.

Ms Cronk: And you would get back to her about it.

Mr Collins: Yes.

Ms Cronk: All right. Was it your view at the conclusion of the conversation with Ms Luu and based on the information she'd provided that—or did you have a view as to whether the minister was in a position to actually have a meeting with Ms Luu or Ms Pretty, based on the facts that had been given to you?

Mr Collins: I do recall this fairly distinctly. My view was that assuming there's nothing more out there than what Ms Luu had told me about, and she characterized it as a minor charge, that I didn't think that would preclude the minister from having a meeting, but again was not in a position to say one way or the other because I was still awaiting the advice from the people in the ministry who can actually make those determinations and give that kind of advice.

Ms Cronk: And that's not you.

Mr Collins: That's not me. That's the legal branch. The legal director typically deals with the minister directly on those sorts of matters.

Ms Cronk: And did you offer or provide your own advice to the minister on the matter?

Mr Collins: Again, I've been trying to recall, during this time frame, the time frame immediately leading up to the meetings being set up, precisely when I talked to

the minister, in fact even whether I talked to her specifically about my call with Ms Luu or any other communications I had during that period, and I don't have a clear recollection.

Ms Cronk: Well, whether or not you spoke to her about the fact of the conversation with Trinh Luu—I of course recognize the difference between actually telling her of that and speaking to her generally about the matter—do you have a recollection, after you learned details of the legal proceedings that had been commenced, of advising the minister or commenting to her or offering her your advice as to whether, given those circumstances, given those facts, a meeting should or should not occur involving her participation with representatives of the Van Lang group?

Mr Collins: I don't recall. My recollection is, as I said, that I was waiting for the briefing note from the ministry, which was anticipated to arrive sooner than it actually arrived.

Ms Cronk: And if I understand what you've also told the committee, it was, however, your view, based on what you'd been told, that there would have been no impediment for her to have a meeting of that kind, given what you'd been told about the proceedings.

Mr Collins: That's correct.

Ms Cronk: And is that because neither the minister nor the Ministry of Housing, based on what you were told, were directly named in or involved in the legal proceeding?

Mr Collins: That's correct.

Ms Cronk: And was that your view notwithstanding the information that Trinh Luu had provided that there were implications in the allegations made by Sharron Pretty and Trinh Luu involving Ministry of Housing staff? They were implicated in some of the allegations that one or both of those women had made.

Mr Collins: Well, she was suggesting that they might be implicated. It wasn't a—I think at one point she sort of said, "Don't worry about who I'm implicating; I just want Evelyn to see the evidence." Quite frankly, I had to go away and think about that. I at that point had no reason to believe that anyone in the ministry was acting in a manner to exacerbate the problems at Van Lang, but I wanted to reflect on that.

Ms Cronk: I'm sorry. My question wasn't intended to suggest that that was the fact. The fact I was putting to you was that Ms Luu had discussed with you during that telephone conversation that there were implications regarding Ministry of Housing staff, and you clearly knew that, based on the telephone discussion.

Mr Collins: Yes, and that fed into my concern that there may be other things out there that would pop up or had already been proceeded with by individuals that I just simply wasn't aware of.

Ms Cronk: And my question to you was: When you told the committee, as you did a few minutes ago, that it was your view, based on what you learned, that there was no impediment to the minister meeting with this group, you did so with the knowledge, because Trinh Luu had told you, that some of the allegations involved implica-

tions regarding Ministry of Housing staff?

Mr Collins: Yes.

Ms Cronk: But you don't remember whether you spoke to the minister about it one way or the other?

Mr Collins: I don't have a clear recollection of a specific conversation, no.

Ms Cronk: So you're not saying it didn't occur; you just don't remember.

Mr Collins: That's correct.

Ms Cronk: With respect generally to the idea of a meeting as it came up in a conversation with Trinh Luu, did you understand her to be suggesting a meeting with the board as a whole, or a meeting only with herself, or with Sharron Pretty, or both of them? What was your understanding of what she was discussing?

Mr Collins: I don't recall having any specific notion one way or the other.

Ms Cronk: Now, that telephone call was on June 2. Could I ask you to go to tab 60 of volume 3, please. Do you have that, Mr Collins?

Mr Collins: Yes, I do.

Ms Cronk: At tab 60 there's an e-mail—sorry; let's wait for Ms Kristjanson to get it. This is an e-mail, Mr Collins, that I understand to have been directed to you from Rob Sutherland, and it's dated June 6.

Mr Collins: Correct.

Ms Cronk: All right. It appears to be suggesting that a meeting with Van Lang was to occur and that the minister had asked that this be arranged as soon as possible. Am I reading that correctly?

Mr Collins: Again, I would not be able to speak on Mr Sutherland's behalf to know precisely what he was interpreting this meeting to be.

Ms Cronk: I didn't ask you that, Mr Collins. Can I just ask you—I don't wish in any way to be unfair to you, but for the moment my question is just directed to what the language of the memo itself says. Am I correct at least this far, that what it says is that the minister had asked that a meeting be arranged as soon as possible? That's what the first paragraph of this e-mail says, isn't it?

Mr Collins: It says "this meeting." I don't know whether in Mr Sutherland's mind that was the board or someone or Ms Pretty, Trinh Luu, whatever.

Ms Cronk: I'm sorry. My question wasn't directed to that, with that refinement, but a meeting with the Van Lang people.

Mr Collins: Sorry. I'll try to be less refined.

Ms Cronk: That's all right. What the memo is suggesting is that the minister had decided there was going to be a meeting, that she wanted it as soon as possible, and that's what he was addressing in his e-mail to you. Am I right?

Mr Collins: Correct.

Ms Cronk: All right. And he goes on to talk about the fact that the schedule for the 10th—I take that to be June 10th—was quite busy and he was suggesting June 17th for the meeting. Is that right?

Mr Collins: That's correct.

Ms Cronk: And the point you were making—and fairly, I understand what was in your mind—is that it doesn't make clear with whom the meeting was to take place.

Mr Collins: That's because at that time, as far as I recollect, there was a proposal to have two meetings on the 17th, a pre-meeting between the minister and Ms Luu and potentially Ms Pretty, and then the meeting with the actual board that would involve Mr Sutherland from the regional office.

Ms Cronk: As you understood it, was the meeting with the actual board to include Sharron Pretty?

Mr Collins: Yes.

Ms Cronk: And thereafter, that is, from and after June 2, the day of your discussion with Trinh Luu, did you have any personal involvement in making the arrangements for that meeting or in facilitating it?

Mr Collins: No, none.

Ms Cronk: Was that all set up between Rob Sutherland and Karen Ridley and others?

Mr Collins: It wouldn't be Rob Sutherland. Rob had probably just come from a chat with Evelyn and was just wanting to remind us or convey her concerns. Rob is not normally involved in setting up meetings.

1730

Ms Cronk: At that point in time, as far as you were aware, had the minister received and reviewed a copy of the—you told us that she'd received it towards the end of April, beginning of May. Had she reviewed the compliance review?

Mr Collins: Yeah. Upon reflection, I think actually that it was later than that that we received the compliance review. By this time, I'm quite confident that she had—

Ms Cronk: Did you ever—

Mr Collins: —received it and reviewed it.

Ms Cronk: Sorry, I didn't mean to interrupt. Did you ever sit down and talk to her about it?

Mr Collins: Not in a meeting specifically for that purpose.

Ms Cronk: Well, in a less casual way, did you speak with her?

Mr Collins: Yes. She discussed it with me after reading it.

Ms Cronk: Did you share your views with her that you previously expressed this afternoon, that you had concerns about it?

Mr Collins: Yes.

Ms Cronk: And did she share those concerns as you understood it?

Mr Collins: Yes.

Ms Cronk: Then if I could ask you to go to tab 63, this is an e-mail to Karen Ridley from Rob Sutherland dated June the seventh, and I can't tell from the initials on the copying, because it is just initials as to the persons who received a copy, but I thought perhaps you did because there's an "mc" there. Does it look like it was copied to you?

Mr Collins: Yes.

Ms Cronk: In the first paragraph, it's suggesting that the minister had "decided that the Van Lang complaints warrant further investigation and has agreed to meet with both the complainants and the board." Do you see that?

Mr Collins: Okay, yeah. That clarifies my earlier wondering about whether that had been decided or not.

Ms Cronk: As far as you knew, was it then the situation as at June seventh that the minister had decided to meet with the board and as well with Trinh Luu?

Mr Collins: Yes. There would be, the purpose—as I said, I would think of it, if it was, given that this is the kind of meeting that I would normally be involved in, I would consider the meeting, the dual meeting, as the meeting and a pre-meeting, almost like a briefing for the minister, so that Ms Luu and Ms Pretty could in a more detailed sense and in a face-to-face way inform her of their concerns before she met with the board as a whole, where for example there might have been some question as to whether people would be, given the setting, completely able to be forthcoming with their concerns.

Ms Cronk: I see. Did you know, based on any discussion that you yourself had with the minister or any information available to you at the time, as to who the minister expected to be at those two meetings?

Mr Collins: My sense from talking to the minister was that she expected both Ms Luu and Ms Pretty to be at the pre-meeting. Certainly in discussions that she and I had, that was the expectation.

Ms Cronk: Based on discussions that you yourself had with her, do you know whether she expected the second meeting to include all board members, and by that I mean Sharron Pretty?

Mr Collins: Yes, it certainly did.

Ms Cronk: Did you attend the meeting on June 17th?

Mr Collins: No, I didn't.

Ms Cronk: Did you speak with the minister thereafter as to what had occurred at the meeting?

Mr Collins: I think not, given by the time there would have been the normal opportunity to discuss things, the Tuesday or the Wednesday, since Mondays are briefing days where we have a full schedule of other ministry matters to look after, it had been raised in the House and a whole chain of events ensued as a result of that.

Ms Cronk: So you have no recollection of having discussed it with her?

Mr Collins: No, but I was a party to seeing Audrey Moey's notes at the time that those were originally faxed to the office, the notes reflecting the course of events at the meeting. I did receive those.

Ms Cronk: Could I ask you finally to look at tab 78 of the same volume. This is a cover memo to Karen Ridley from Lisa Heaton dated June the 15th attaching a background note for the minister's meeting on Friday, June 17th. A copy appears to have been provided to you, according to the cover sheet.

Mr Collins: Yes.

Ms Cronk: Looking at the background note, do you remember receiving a copy of it?

Mr Collins: Yes, I do.

Ms Cronk: Did you review it on or about the time of its receipt?

Mr Collins: Yes, I did.

Ms Cronk: To your knowledge, was a copy provided to the minister?

Mr Collins: Yes, it was.

Ms Cronk: To your knowledge, did she read it, or do you know?

Mr Collins: I was not in the same city with her, or in fact, if she received it while she was still in Toronto, it was at the very end of the day before she left to fly back to Ottawa.

Ms Cronk: I'm sorry, could you just say that last part again?

Mr Collins: If she had received it at the end of the day, Thursday, it would have been very shortly before she was ready to leave the building to fly back to Ottawa.

Ms Cronk: But did I understand you to say that she did get a copy?

Mr Collins: Yes.

Ms Cronk: You know she got a copy?

Mr Collins: Yes.

Ms Cronk: You just don't know when?

Mr Collins: That's correct.

Ms Cronk: Nor do you know if or when she read it.

Mr Collins: That's correct.

Ms Cronk: And did you have any discussion with her about its contents prior to her attendance at the meeting on June 17th?

Mr Collins: No. I reviewed the note on the 16th and was very impressed with the quality and the thoroughness of the note. It was sort of a very, I thought, easy-to-follow chronological description of the various events, and for that reason, given that Evelyn—there's never a concern with the minister reading materials. She always reads what we provide her and deals with it thoroughly; I don't have to doublecheck on that. I had no question in my mind that she would in fact read this and also find it a useful note.

Ms Cronk: Thank you very much. Those are my questions, Mr Collins.

The Chair: Okay. We'll start the rotation with Mr Callahan, 15 minutes.

Interjections

The Chair: Mr Murphy, lead it off there.

Mr Murphy: Yes, thank you. I would like to turn to tab 79, if I could, which is in exhibit 1. I think, Mr Collins, you indicated that at the June second conversation with Trinh Luu there was still some concern in your mind that—

Mr Collins: I'm sorry. Could you repeat just that last sentence?

Mr Murphy: Yes, in your June second telephone conversation with Trinh Luu you indicated, I believe, that

there was still some concern in your mind about what was out there and the issue of advice on whether or not the minister should meet is dealt with by the legal director directly with the minister. Is that correct?

Mr Collins: If there's a situation that involves the minister, to the best of my knowledge, it's usually the legal director herself who would deal with it.

Mr Murphy: Right. You'll agree with me that there is no note in here from you to the legal director asking for advice about whether the minister should meet?

Mr Collins: No, in fact, I don't think there was ever—

Mr Murphy: Such a note.

Mr Collins: Such a note specifically requested. I asked for information from the legal branch on the—basically for them to get back to us and clarify every possible thing in terms of a legal proceeding that could be pending or outstanding or involving Van Lang through the deputy minister's office, and the person I deal with there is Patricia Redmond.

Mr Murphy: Right. So what you were asking for is a status: "What's happening? Tell us what's happening on this lawsuit." And in fact that's what you got.

Mr Collins: Not just that lawsuit: "Tell me every lawsuit or every legal proceeding that might be out there related to the Van Lang Centre."

Mr Murphy: Right. And you'll agree with me, though, that that request did not include asking for advice about whether the minister should attend, based on concerns about there being an outstanding lawsuit.

Mr Collins: I considered it implicit in the request.

Mr Murphy: Well, you'll agree with me what you got back didn't address the issue of whether she should or should not attend, on June 16th, at tab 79.

Mr Collins: Well, in terms of a specific question being asked and a recommendation being given, you're correct, yes.

Mr Murphy: That advice, is it your responsibility to provide that advice in the office or is there some other political staff who would raise the issue from a political perspective in the minister's office, or do you rely solely on the legal director's advice?

Mr Collins: This is advice on—

Mr Murphy: Whether or not a court case being extant would preclude the minister from going to a meeting.

Mr Collins: To the best of my knowledge, that would be the legal branch of the ministry that we would rely on.

Mr Murphy: Would the legal branch in the ministry include consideration of, for example, the commission on conflict-of-interest rules? Would that be included in the legal branch's advice to the minister?

Mr Collins: I would assume so, yes.

Mr Murphy: Do you know?

Mr Collins: I'm saying I assume so. I'm not legal branch and, you know, if you wanted to get an absolute clarification of that you'd have to ask them.

Mr Murphy: All I'm asking is whether you know.

Mr Collins: What I know is that the legal director regularly briefs ministry office staff on issues such as conflict of interest and that they are the body that, as far as I'm concerned, we rely on for advice on these matters.

Mr Murphy: So the legal branch would then brief you from time to time on outstanding conflict issues?

Mr Collins: Not me specifically; the general office staff in the minister's office.

Mr Murphy: So they would brief everyone, including you?

Mr Collins: As a group, yes. Yes.

Mr Murphy: And would that include the Premier's conflict-of-interest guidelines?

Mr Collins: Again, the briefings occur typically every six months. I've been through two of them in my tenure there. I think the Premier's conflict-of-interest guidelines are mentioned but not dealt with in any great amount of detail. Again, that's a matter that—a minister of the crown himself or herself is expected to understand those, and if they had a concern about those guidelines, I assume they would deal with them personally. They certainly wouldn't come through me to deal with it.

Mr Murphy: In the setup to the meeting between June 10th and June 17th—I'm sorry if I missed this—do you recall meeting with the minister to discuss what was going to happen at the June 17th meeting?

Mr Collins: No, I don't.

Mr Murphy: And does that mean there wasn't such a discussion or you don't remember there being one?

Mr Collins: Well, again, I'll try to be a cooperative witness. Evelyn passed me a note subsequent to the June 10th meeting. I don't recall actually having a meeting or discussing it with her directly.

Mr Murphy: Do we have that note?

Mr Collins: I assume you do, but—

Ms Cronk: I'm sorry, may I just be clear? Was this after the June 17th meeting?

Mr Collins: No, this is after the June 10th meeting.

Ms Cronk: Yes, we do, Mr Murphy, and I apologize. Actually, I'd forgotten to draw the witness's attention to it, so if we're off your clock, could I just find it for you? I don't mean that I want to—

Mr Murphy: Certainly, especially if we're off the clock.

Ms Cronk: It's in volume 2. Perhaps you could ask the witness, Mr Murphy. I'm assuming that the document at tab 47, volume 2 is the document you're talking about.

Mr Collins: I'll let you know in just a second.

Mr Murphy: How much time do I have, Mr Chair?

The Chair: You've got about five minutes and 49 seconds.

Mrs Marland: He's got you on hold while—

The Chair: So you can take some time looking for it. You're not being timed.

Mr Collins: Do you have that?

Mr Murphy: Yes.

Mr Collins: The document at tab 47 is a note that I assume was made either at or subsequent to the minister's meeting with Ms Luu on the 10th and passed to me, asking for me to follow up, to gather some more information before the meeting on the 17th.

Mr Murphy: On a different topic, do you remember after the meeting of June 17th whether you had any discussions with members of the regional Ministry of Housing staff about preparing documents for a briefing or a recollection of the meeting on June 17th?

Mr Collins: I'm very sorry, are you saying—

Mr Murphy: After June 17th—

Mr Collins: Did I have a conversation?

Mr Murphy: In fact, after the issue was raised in the House, do you recall having discussions with Mr Sutherland, particularly, at the regional office staff about preparing briefing materials?

Mr Collins: Briefing materials—

Mr Murphy: In relation to the June 17th meeting, for any purpose whatsoever.

Mr Collins: The briefing materials for the June 17th meeting had already been prepared by Mr Sutherland's office and forwarded to our office; that was past.

Mr Murphy: But there was a subsequent package that the ministry put together, including a set of sanitized notes, I call them, that Mr Sutherland prepared in and around July 14th, and I'm wondering—

Mr Collins: Okay, I'm sorry. I understand what you're saying now. I have not been involved in any—once the discussion of a legislative committee was raised, I was in a position that I had to step out of all discussions in the office related to this matter. So I attended no ministry meetings, no political meetings, I have discussed my evidence and my notes with no one else who was involved in the lead-up or the actual meeting since—I don't remember which day that occurred, but whatever day it was clear that we were going to be heading into a hearing of this sort.

Mr Murphy: Thank you. While those aren't all my questions, it's Mr Callahan's turn.

Mr Callahan: Let me ask you a question. If you knew that the minister was going—I mean, it seems to me that everybody was trying to keep the minister from going to this meeting and she finally went. If you knew that when she was going, she was going to go there and, say, try to negotiate a deal to have Ms Pretty go to the prosecutor and get rid of her charges and quid pro quo for that was that she would continue as a director, would you have allowed her to go?

Mr Collins: My understanding of the purpose of the meeting was to go to discuss, in a forum with all of the parties necessary to resolve management and operational compliance issues, the various ways that the Van Lang Centre could be brought back into compliance with ministry's policies and hopefully start spending their time and energy on that rather than fighting with each other. I wasn't—you know, there was no—

Mr Callahan: All right, let me try this again from another aspect. On the 16th of June you knew from

information you got from the Attorney General's office that—you knew specifically what the charges, criminal charges, or the quasi-criminal charges, were. You told my friend that you had asked them for all legal proceedings outstanding. You weren't told about the civil action for wrongful dismissal by the former administrator.

Mr Collins: That had already been noted from June of 1993 in ministry notes.

Mr Callahan: Okay. Recognizing that you knew there were charges that were in the process under the aegis of the crown, would you have stopped the minister from going to this meeting?

Mr Collins: Well, obviously not. I didn't stop her from going to the meeting.

Mr Callahan: I see.

Mr Collins: There was no intention to intervene in those proceedings or attempt to influence them in any way.

Mr Callahan: I see. Well, okay.

You know Brian Sutherland, obviously.

Mr Collins: Yes, I do.

Mr Callahan: We had him here this morning giving evidence.

Mr Collins: Yes.

Mr Callahan: He prepared a note at tab 90, if you'd look at tab 90. Have you ever seen that note before?

Mr Collins: Sorry. Which volume are you in?

Mr Callahan: Tab 90, volume 3, exhibit 1. That was an e-mail, we understand.

Mr Collins: Yes, it's an e-mail between Brian and his staff.

Mr Callahan: Have you ever seen it? Ever?

Mr Collins: Uh, yes, I was shown this e-mail subsequent to—uh—

Mr Callahan: What date?

Ms Cronk: I think he should be allowed to finish—

Mr Callahan: All right.

Mr Collins: Thank you.

Mr Callahan: Well, I'm limited in time, you see, so I don't have the luxury of—

Interjection.

Mr Collins: I was shown the e-mail in between the time of the June 17th meeting and the time at which we knew there was going to be a legislative hearing.

Mr Callahan: Ah, okay.

Mr Collins: At that point I was still carrying the Van Lang file in the office and was attempting to deal with any concerns related to it.

Mr Callahan: I suggest you also saw the more detailed statement made by Mr Sutherland, which is at tab 103. It's the "Notes on the June 17th, 1994, Meeting with Van Lang Board of Directors."

Mr Collins: I have not seen this. No.

Mr Callahan: You mean to tell me you saw the note in 90, which is a brief note, and you didn't see this one, which was prepared July 14, 1994?

Mr Collins: I don't understand the incredulity of that, but—I saw the e-mail because Patti Redmond of the deputy minister's office showed it to me as a point of interest at a time when I was still carrying this file. I have not seen these notes and would have no reason to see them.

Mr Callahan: I see. So Mr Sutherland just spent quite some time typing them up, and he said he sent them off to various people. You tell us, Mr Collins, that you saw the note of the 17th at tab 90 because it was shown to you by Patti Redmond. That was before the legislative committee was set up as a result of a decision of the House.

Mr Collins: That's my recollection, yes.

1750

Mr Callahan: And you're telling me that this item, which is at tab 103, which is a detailed account by Mr Sutherland of what took place at the June 17th meeting—you weren't interested in that? You didn't see it?

Mr Collins: I had no idea that it had been prepared.

Mr Callahan: I find that remarkable.

Mr Collins: I don't.

Mr Callahan: In any event, you'll agree with me that by July 14th something had hit the fan. It was damage control time—

Mr Collins: I'm not aware of anything occurring around July 14th that changed anything.

Mr Callahan: Let's go back to tab 90. You tell us that Patti showed you that tab, and clearly that tab says, and I invite you to look at the e-mail, "In any event, I believe that the minister was able to convince Sharron and the other board members to work toward a resolution of the matter prior to the charges being considered by the court early next month." Did you ever question anybody about what that meant?

Mr Collins: Nope.

Mr Callahan: You didn't care, did you?

Mr Collins: I have a fairly good notion of what that means.

Mr Callahan: Aren't you the damage control messenger of the minister? Are you not?

Mr Collins: Not that I'm aware. No.

Mr Callahan: You're not?

Mr Collins: No. We have—

Interjection.

Mr Callahan: I'm sorry?

The Chair: He's a witness here.

Mr Callahan: I appreciate that, Mr Chair.

Mr Collins: We have communications staff who, I guess, if you wanted to characterize things as "damage control," would be a damage control person. I'm not.

Mr Callahan: Who is the damage control person?

Mr Collins: Well, I'm saying if you wanted to characterize something as damage control, I would assume it would be the communications assistant in the office.

Mr Callahan: Who's that?

Mr Collins: Anne-Marie McElrone.

Mr Callahan: I see.

I notice that at tab 78, when a memorandum was sent, it was addressed to you, Anne-Marie McElrone, Marc Collins, Evelyn Muncaster, so I gather that when faxes or items are sent out, they're addressed to all of you.

Mr Collins: This was a briefing note in preparation for a ministry meeting that included ministry staff. Whenever the minister meets with somebody there's a briefing note of this sort prepared, usually nowhere near this detailed because it's often not as complicated a situation, but there's always a briefing note prepared when the minister meets.

Mr Callahan: Why would you be included in that memo, which was pre-June 17th meeting and you're telling us—

Mr Collins: I've been copied on every—

Mr Callahan: Just a second. Let me finish.

The Chair: Just a second. Your time has run out, Mr Callahan.

Mr Callahan: All right. Well, I don't have an answer yet. And you weren't included—

The Chair: I'm sorry.

Mr Callahan: I want to know why he wasn't included in the 103 tab.

The Chair: You've had your 15 minutes. Mr Harnick.

Mr Harnick: Sir, you have some considerable qualifications in your job in that you were a civil servant who obviously was quite well recognized within the ministry by the minister because of your obviously very able and extensive background, and you were chosen to move into the minister's office and to take a job as a political person with direct access to the minister, someone who sees the minister often, speaks to her every day, probably frequently, and meets with her. You've been around for a while in order to attain that status and that level, and what I'd like to know from someone with your background who's been around, as you have, as a civil servant and as a political appointment to a minister: Have you ever before seen a minister have a meeting with individuals who were involved in a quasi-criminal court case and go into a meeting as minister and meet with the complainants and the accuseds while a court case was pending? Have you ever seen that before?

Mr Collins: It's my understanding, from having worked—

Mr Harnick: I don't want to know what your understanding is. I want to know whether you've ever seen it before, and that demands an answer that's either yes or no. Can you answer a question by saying yes or no?

Mr Collins: Yes, I'm confident that ministers have met with parties who have been involved in lawsuits not involving the minister.

Mr Harnick: Have you ever seen Minister Gigantes meet in these circumstances before?

Mr Collins: I've never seen circumstances of this sort before in my entire six and a half years at the Ministry of Housing. I've never encountered a case of this sort.

Mr Harnick: Can you tell me which—

Ms Freya Kristjanson: Let the witness finish the question.

Mr Harnick: I'll never get my time in.

The Chair: But they can't pick it up in Hansard if both of you are talking at once.

Mr Collins: I'll be very brief. This is a unique case. I've never encountered a case of this description before.

Mr Harnick: Can you tell me a case that you have seen where a minister meets with people who are accused and the complainants in a lawsuit before?

Mr Collins: At any time amongst the 1,500 co-ops and non-profits in the province, there are board members and employees and former employees suing each other. As I said before, so long as those cases don't involve the ministry, they're not suing the ministry for something or the minister personally, it's not my understanding that that prevents the minister from meeting.

Mr Harnick: No, that's not what I'm asking you. I want to know of an actual case that you've seen before. Have you seen one? Tell me what the actual case was that you've seen where the ministers met under those circumstances.

Mr Collins: I can't recall one off the top of my head right now.

Mr Harnick: All right. Now, if a minister is going to meet in these circumstances, as Minister Gigantes did, can you tell me whether there—and I'm not asking you whether you think it's proper or not, because I appreciate you don't know the answer; that's a legal matter—but from your experience as a political individual, would you think that there should be any restrictions on what the subject matter of the meeting should cover if a minister is going to meet in these circumstances?

Mr Collins: There could be the potential for that. As I said, based on the purpose of the meeting, what I wanted to get clarified was that it was possible to acknowledge the existence of these charges. It would have been a rather ridiculous meeting to try to bring people together who obviously had antagonistic feelings towards each other for a very long period of time and to try to conciliate, mediate, just try to get them to talk to each other, however you want to describe it, if you weren't able to acknowledge that there were legal actions occurring. If the situation was that serious, there wouldn't have been a meeting.

Mr Harnick: So you're saying that it's correct, then, to deal with the subject matter of the charges in this meeting?

Mr Collins: No, not to deal with the subject matter; to acknowledge that they existed and that, you know, perhaps—

Mr Harnick: We all knew they existed.

Mr Collins: —there may be—

Mr Harnick: What restriction on the minister should there be?

Ms Kristjanson: Excuse me, would you let the witness answer the question.

Mr Harnick: He doesn't answer the question. That's the problem.

The Chair: Yes, he has. He hasn't finished, but they're very short answers he's given, Charles. Okay, go ahead, Mr Collins.

Mr Collins: Thank you. What I was about to say is that—

Mr Owens: Yes, he's rocking.

Mr Harnick: Not rolling, though.

Mr Collins: —and I may have lost my train of thought, given the—

Ms Marland: Do you want me to take over?

Mr Harnick: Go ahead, Margaret.

Mr Collins: If you can just restate your question briefly, I will answer it.

Mr Harnick: All I want to know is, very simply, should a minister in those circumstances, from your experience as a seasoned political individual with one of the highest jobs in the ministry, be careful to restrict themselves in any way in these circumstances?

Mr Collins: Yes, and to my knowledge the minister certainly did not approach the crown, did not discuss the merits of the charges, didn't approach anyone—

Mr Harnick: Well, I didn't ask you that.

Mr Collins: —in any way in a manner that would be seen as trying to influence charges.

Mr Harnick: I want to know what—

Mr Collins: So that's what I define as being careful.

The Chair: Excuse me, Charles. Let the witness finish his answer.

Mr Harnick: I'm finished.

The Chair: Okay. Mrs Marland. Mr Collins, did you want to finish the answer there, for Hansard's purposes?

Mr Collins: That's all I needed to say unless—

The Chair: Okay. I was hearing two conversations.

Mrs Marland: Mr Collins, were you aware of an agenda for the meeting on the 17th of June?

Mr Collins: No, I wasn't. There are usually not agendas prepared for those types of meetings.

Mrs Marland: In the briefing note prepared for the minister—which I would like to tell you that if this was prepared for me as a minister I would have a great deal of difficulty with my staff. There are a number of serious errors in this briefing note, absolute inaccuracies about what is a government policy, what comes under the Corporations Act. I'm almost beginning to feel sorry for the minister when she is surrounded by the kind of incompetency that she obviously has been with her staff.

1800

On page 5 of the briefing note there is a reference to June the 16th and the fact that summonses have been received by all directors to appear in Provincial Division Court as of this date. Would you agree, because you've already said that the minister reads these briefing notes thoroughly—whether they're accurate or not is a problem for her to resolve; I'll certainly point out to her the errors in this since I think it's in everybody's best interest that

she has accurate information—that going into that meeting there was no question about the minister knowing the status of the charges and the status of the summonses that involved four of the directors that were in that meeting on the 17th of June?

Mr Collins: I have no reason to believe she wasn't clear on the matter, but if I could really, briefly—are you suggesting there's an error in this section of the note?

Mrs Marland: No, I'm not.

Mr Collins: Okay. Sorry. Thank you.

Mrs Marland: I don't want to take up my time, which is minimal at best, to point out the errors, but I would be happy to point them out at some other time.

There isn't any doubt in the minister's mind that there are four directors in that room that are involved in litigation, and the party who has initiated that litigation is also in that room. Is that correct?

Mr Collins: Yes.

Mrs Marland: In hindsight, if you had all this to do again, and since you personally have been copied on correspondence—from the evidence that we've had in the last three days you've been copied on correspondence about all of these matters for at least eight months—in hindsight would you agree with me that this has not been handled well?

Mr Collins: That what has not been handled well?

Mr Harnick: Does he know why we're here?

Mrs Marland: Do you know what this meeting is about? I'm talking—

Mr Owens: Come on, Margaret.

Mr Collins: I'm asking—I'm not trying to be evasive. I need to understand what it is that you're—

Mrs Marland: That the whole mess, the whole cost of this hearing, this hearing that is necessitated because a number of people did not do their job, possibly including you—I don't know; I'm trying to find out.

Now, this hearing is in session, it is very expensive and it could have been avoided. The minister, on the 14th of April, asked for a meeting. The charges were not laid until the 25th of April. You didn't return the phone call to Trinh Luu until the second of June, after it hit the press. You had an opportunity, when my staff phoned you, to facilitate a resolution with Trinh Luu because she was not involved in the charges, and dealing with the very controversial letter of the 29th of October from Ms Pretty, on which you were copied, that was the letter that laid out all the concerns of Ms Pretty and Ms Luu.

My question to you is, if Sue Lott advised Sharron Pretty on the second of December that Ms Gigantes had pulled that 29th of October letter out because she was concerned and that letter was being referred to Marc Collins, do you think it's fair on your part, to your minister, once she's identified the seriousness of that letter, knowing the minister has a whole lot of things to do in her job, do you think you've served her well to wait six months, until the 25th of April, to reply to that letter to Sharron Pretty?

Mr Collins: Would you like me to just deal with the latter part of your question, the six months question?

Mrs Marland: Yes.

Mr Collins: Okay. I did not wait six months to deal with that letter. I think we already heard that it had been mislaid for two months. Subsequent to it being given to the deputy minister's office at the end of December, drafts were prepared reasonably quickly, I would say, compared with an average situation, and I would assume that's based on the eastern regional office staff's awareness that this was a contentious issue.

Mrs Marland: I'm talking—

Mr Collins: The fact that drafts had to be redrafted because they weren't acceptable to me—

Mrs Marland: Would you agree that the letter went out—I'm not interested in when the drafts took place; I'm talking about a citizen who has concerns who appeals to the minister, finally, because she can't get anywhere after six months with the minister's staff. She writes—I think this is a 20-page letter. There are very serious matters in that letter identifying policies of your ministry that are not being adhered to, and you are happy or you think that you served your minister well, let alone the poor citizen who wrote the letter, by sending her a reply on the 25th of April and another e-mail somewhere referring to the fact if this satisfies her, it'll be fine; we won't have to have a meeting.

How do you feel that you've treated this individual citizen who was trying to resolve a problem in the interests of 70 units of publicly funded housing? How can you defend this process? How can you sit there, as an assistant to the minister, and be satisfied that you've all done your job when—

Mr Kimble Sutherland: Mr Chairman, can I just ask a point of order, though?

The Chair: I've got to stop the clock.

Mr Kimble Sutherland: Yes, that's fine.

With all due respect, are we going to allow five questions at once, or should it be one question?

Mr Harnick: She can do whatever she wants with her time.

The Chair: If that's how she wants to question—

Mr Kimble Sutherland: I just wanted some ruling from you.

The Chair: Okay.

Mr Owens: I'm not sure that the matters she's addressing follow from the terms of reference that we're supposed to be addressing here today.

The Chair: A little bit off base with some of it, but that's it, that's her time.

Mr Kimble Sutherland: Okay, fair enough.

Mr Owens: Just how far off base are we going to let it go?

Mrs Marland: Excuse me.

Mr Marchese: It's okay, Margaret. You're doing fine.

Mrs Marland: I'm only off base in your opinion because I'm hitting at the very heart of this matter. Our counsel has brought us through the history of this outrageous situation, and all I'm doing is reminding the minister's senior staff person how outrageous this situ-

ation is and how it could all have been avoided, and the embarrassment to your minister could have been avoided, if the staff had done their job.

Mr Owens: And your question is?

Mr Collins: Would you like me to answer the question?

Mrs Marland: No, thank you. I've had so many interruptions now that I would like to go to another question.

Interjection.

The Chair: I'm sorry. Legal counsel said that the witness should be allowed to give an answer.

Mrs Marland: All right.

Mr Collins: My answer is that I think it would be quite obvious that no one involved was satisfied with the length of time that the April 25th response took to get out. I have no qualms about the way Ms Pretty or Ms Luu had been treated. As citizens, they had more access to the minister's constituency office probably than anyone else. I personally spent more time dealing with this file on this project than I have on any other project in the 120,000-unit portfolio that we administer.

Mrs Marland: You say that they had more access to the minister's constituency staff than any other case that you know of, and yet in nine months they couldn't get a meeting with their MPP, as in the case of Ms Pretty, who could not get a meeting with her MPP.

The Chair: Time has run out. Mr Winninger.

Mr Winninger: Thank you, Mr Chair. Perhaps we could lower the volume by a few decibels in the room.

I'd like to just take you back for a moment to June 1993, when you said you first had knowledge of the Van Lang matter. Am I correct on the time frame there?

Mr Collins: Yes, you are.

Mr Winninger: I believe you also mentioned during your evidence that the ministry has some 1,500 non-profit and co-op complexes. Is that correct?

Mr Collins: Don't quote me on the exact number, but it's in that range, yes.

Mr Winninger: Plus or minus. How many policy advisers does the Minister of Housing have in your capacity?

Mr Collins: That deal with those projects?

Mr Winninger: Yes.

Mr Collins: One: myself.

Mr Winninger: One. Okay. I take it that when you became aware of the Van Lang matter and information was provided to you, you set up some kind of watching brief. Would that be fair to say?

Mr Collins: Yes.

Mr Winninger: Okay. Over the course of the next few months, you became aware, I think you indicated, through a letter from Ms Pretty on October 29th and a follow-up letter by Ms Luu around December 6, that they were seeking the intervention of the minister. In fact Ms Luu, in her letter of December 6, was asking for a meeting with the minister. You're nodding your head. Is that correct?

Mr Collins: Yes, that's correct.

1810

Mr Winninger: At that point in time, I believe you indicated that you were already aware that the ministry at the regional level was aware of the issues in dispute.

Mr Collins: Oh, yes.

Mr Winninger: And that steps were being taken to deal with and hopefully resolve those outstanding issues.

Mr Collins: Yes.

Mr Winninger: And you probably were aware that the issues concerned access, concerned tenant participation, concerned procedural irregularities and so on. Again you're nodding your head. That means yes?

Mr Collins: Yes. Sorry.

Mr Winninger: So in fact at that point in time you were also aware that the compliance review had been undertaken.

Mr Collins: Yes.

Mr Winninger: Was it your hope or anticipation that the compliance review, when it was complete, might offer the kind of solutions that might redress some of the issues the complainants had referred to in their letters to the minister?

Mr Collins: Yes, and in most circumstances it's enough to bring things back into line.

Mr Winninger: Were you aware that there were some delays in the preparation of the compliance review?

Mr Collins: I was aware that it was taking a long time. I wasn't aware of any specific reason why or anything of that sort, I just knew I didn't have it yet and I knew it hadn't been completed towards the latter part of the fall.

Mr Winninger: And while the compliance review was under way, were you aware that there were ongoing meetings with staff of the regional office, including Mr Sutherland, Mr Shapiro and Mr Clement?

Mr Collins: Yes. Over time, as those events occurred, David Clarke, the assistant deputy minister's assistant, did keep me informed of those sorts of things as a way of reassuring me that the ministry was in fact taking this very seriously and doing what they could.

Mr Winninger: Correct me if I'm wrong, but it was my impression from your earlier evidence that you believed the matter was under control.

Mr Collins: No, I don't think I said that, and it's not my recollection that that's how I felt about it.

Mr Winninger: Maybe I should be a little more precise in the time frame I'm referring to now. Prior, say, to January 1994, you were aware that the regional office staff were assisting, providing support to Van Lang, were providing guidance and counselling, and you were probably also aware that Mr Sutherland had attended a December 30th board meeting.

Mr Collins: Yes.

Mr Winninger: And that there was an undertaking on his part that either he or staff would attend future board meetings—

Mr Collins: Yes, I was aware of that.

Mr Winninger: —to assist at Van Lang. But later on, and I'm moving quickly here because we have limited time and I know my colleague has a question as well, later on in April or May, would it be fair to say, and in light of a memorandum that was referred to earlier, that the rift between Ms Pretty and the other board members was growing?

Mr Collins: Yes.

Mr Winninger: And at the same time, the information you were receiving at the regional level was to the effect that the situation was under control.

Mr Collins: Not completely, but the sort of tenor of their notes was much calmer than, obviously, what the constituency office staff were hearing from the parties directly involved. The ministry fully acknowledged that there were serious problems at Van Lang, as a result of both the compliance review and the staff's attendance at meetings.

Mr Winninger: And the e-mail that counsel referred you to from David Clarke to Brian Sutherland of May 17th, which you acknowledged appears to verify and confirm that.

Mr Collins: Yes.

Mr Winninger: At some point in time, then, your approach to the management of this issue and the hopeful resolution of this issue changed and more attention was being focused on the possibility of a meeting between the minister and members of the board. Would that be correct to say?

Mr Collins: Yes.

Mr Winninger: And also the complainants as well, Ms Pretty and Ms Luu?

Mr Collins: Well, Ms Pretty is part of the board, so she would be automatically involved.

Mr Winninger: Okay. But at the point in time at which it appears a meeting was being considered, there was also considerable attention given to obtaining a copy of the compliance review? I recall the memoranda you were presented with by counsel to the committee to the effect that both you and the minister were actively requesting the compliance review?

Mr Collins: That's correct.

Mr Winninger: You also acknowledged some familiarity with the two articles by James Wallace of the Sun, and at the same time I understand that Ms Luu was attempting to contact you—

Mr Collins: That's correct.

Mr Winninger: —to discuss her desire for a meeting as well. Is that correct?

Mr Collins: Yes.

Mr Winninger: As counsel took you through the interview of June 2, I don't propose to do that again, but you clearly expressed your reservations in light of certain legal proceedings, of which at that point in time you, albeit, had rather scant knowledge, but you knew of their existence.

Mr Collins: That's correct.

Mr Winninger: You expressed some reservation and

indicated that you were going to seek advice. Is that correct?

Mr Collins: I can't recall the precise wording, but that was certainly my intent.

Mr Winninger: Right. And notwithstanding that it appeared that the charges were not against the minister or against the ministry, you expressed some caution about the meeting taking place. Is that correct?

Mr Collins: Yes.

Mr Winninger: But at the same time, as the events unfolded and in the light of your conversation with Mora Thompson of Ms Marland's office, did it appear to you that there were issues that could be perhaps mediated—that's a word that's been bandied about throughout these proceedings—by the minister that wouldn't, if I can use this word, trench on matters that were before the provincial court?

Mr Collins: Yes.

Mr Winninger: And these would be matters unrelated to the request and denial of information from other members of the board that Ms Pretty had sworn out complaints about.

Mr Collins: That's correct.

Mr Winninger: Would it be fair to say that the issues that the minister might consider meeting with the board on and issues that she might mediate were those that have been previously described as core issues?

Mr Collins: Yes.

Mr Winninger: And this would be the access to housing and the tenant participation, to name two?

Mr Collins: Yes.

Mr Winninger: Did it appear to you, after you sought advice—and the advice has been documented earlier in these proceedings—as to the nature of these charges, that they didn't preclude the minister from meeting with members of the board on June 17th?

Mr Collins: That's correct.

Mr Winninger: I'm just going to check my time with the Chair at this point and find out how much time remains.

The Chair: You've got five minutes left, and you've got 10 in the bank.

Mr Murphy: If I can, on a point of clarification—and please stop his clock—he said there was advice received that said the minister wasn't precluded from meeting. I didn't hear any of that in his prior testimony. I'm wondering what advice that question is predicated on.

Ms Cronk: I don't believe the witness has given that evidence. He gave evidence that advice was sought, but not on the preclusion issue, as I understood it. You might want to pursue that.

Mr Winninger: Well, I was deliberately avoiding that, and I may be in your hands, Mr Chair and counsel, because these are matters that may be privileged and of a solicitor-client nature. I just wanted to establish that it was on advice that you had received.

Ms Cronk: I don't want this running on your—the clocks are bothering me in this room; I don't want to be

taking your time to do it. Mr Murphy's comment, and I'm suggesting that, in fairness, there's some legitimacy to it, is that it's asserting a fact that he heard back that there was, as a fact, advice received. That may be, but this witness hasn't said that. So we may want to establish that. Don't deal with the nature of the advice but the fact of it being received. I don't know that.

1820

Mr Winninger: If I misspoke myself, perhaps I could rephrase the question and ask Mr Collins whether, on the basis of the advice he received, he was of the conclusion—and I know earlier you had expressed considerable reservation, and that's transparent on the face—

Mr Murphy: If I can—but I don't want to use up your time and we'll stop the clock.

Mr Winninger: You don't?

Mr Murphy: But this question still assumes advice received. I think you haven't established advice received yet.

Mr Collins: Let's say information instead of advice. I have to agree that I attempted to clarify that in fact a note had not been prepared, nor had a specific request gone forward for advice specifically from the legal branch: Should the minister meet or not under these circumstances? There was information, both of an informal nature earlier on and the June 16th note, given to our office which might be called advice but in strict terms was information.

The Chair: David, ready to go?

Mr Winninger: How much time remains?

The Chair: You've got just four minutes, plus 10 in the bank.

Mr Winninger: Okay. I would ask you—and I know that the fact that the meeting of June 17th took place speaks for itself—whether it was your understanding, based on information you received, and it's been established that you were in daily contact with the minister, that a decision was made that the fact that the charges had been laid didn't preclude the minister's ability to attempt to mediate issues unrelated to the substance of those charges.

Mr Collins: That's my understanding of the situation. The minister read the note herself—again, I wasn't with her when she read it, so I'm assuming that—and would have drawn her own conclusions.

Mr Winninger: I know counsel didn't take up this line of questioning earlier, and I'd just like to take a moment to review with you whether or not there have been any discussions over the course of your tenure as policy adviser to the minister regarding a position that you and other staff should take in regard to such situations that might involve conflict of interest.

Mr Collins: As I said before, our office as a staff is briefed regularly—my sense, having only been there a little over a year, is that it's typically twice a year—by the legal director of the ministry, who gives us her best sense of these matters and gives us the one overriding piece of advice, which is: "Call me. Don't hesitate to call

me to get things clarified."

Mr Winninger: That's essentially what happened here.

Mr Collins: Yes, there was a request through the deputy minister's office to the legal branch to find out what these charges were etc.

Mr Winninger: I see. I know my colleague has a question, so I'll defer to her.

Mrs Irene Mathysen (Middlesex): Mr Collins, I noted that you said to counsel that you hoped to steer the board in the right direction so they could get Van Lang into compliance; that it would take some time; it would not be a quick fix. Is this what you had hoped to accomplish from the meeting: steering the board in the right direction?

Mr Collins: Very much so, because, of course, something I don't think anybody's talked about yet is that the alternative to the Van Lang board coming together as a whole and operating as a functioning board, given the memorandum of agreement that exists between the ministry and Van Lang, as opposed to a wonderfully polished, finalized operating agreement, we are left with, if I can put it in the vernacular, effectively two options.

One is for things to occur as they did, with Brian and other staff going and sort of poking the board and suggesting that they bring themselves into line. If that fails after a period of time, we essentially have only a sledgehammer option left to us. The minister was obviously very reluctant to use a sledgehammer approach here and wanted to make sure that every option had been exhausted.

We tried that over a series of months with the ministry, trying to get the ministry, as is their responsibility, to resolve the issues. When it became clear that at least some of the people involved had lost faith in the ministry and, in terms of the conversation with me, were potentially accusing the ministry of being part of the problem, it was felt that the minister's presence might be seen as more of a neutral party.

Mrs Mathysen: And that it would take time.

Mr Collins: But certainly any solution was going to take a good length of time to work through.

Mrs Mathysen: Okay. If you turn to tab 89 of exhibit 1, volume 3, there is a note from Trinh Luu to Mora Thompson. In this note Ms Luu indicates that: "The one hour and a half meeting between Evelyn and the board was disappointing. Basically, from Evelyn to the board, all begged Sharron to drop the charges, 'forget the past, look forward to the future.' Evelyn is not supposed to play the role of mediator. She is supposed to take action, and she failed to take any. The problems remain unidentified, and Sharron was seen as the one to be blamed for all the troubles. Evelyn did not at any time mention this board's wrongdoings, in spite of evidence uncovered by Trinh on June 10, 1994."

I'll read you the Hansard of Ms Pretty's feeling about the meeting. That is from August 9, in the afternoon at 1520. She said: "Basically, what I felt pressured about the most was that I went there thinking that the minister was going to support me. Especially after seeing all of the

evidence that she saw at the meeting with Trinh Luu on June the 10th and all my letters and discussions and cc'd letters and everything else, I thought for sure that surely she'd realize the gravity of the situation and she would do what was right, and that was to tell the board that they have been wrong. But instead, I got told that I'm supposed to back down in order for them to back down, and then we've got to go back to square one and start talking again. It didn't work in the first place; it's not going to work."

In your opinion, Mr Collins, are these expectations by Trinh Luu and Ms Pretty realistic?

Mr Collins: Not given the contractual relationship that the ministry has with co-operatives and non-profit housing corporations under our program.

Mrs Marland: Without an operating agreement?

Mr Collins: As I said earlier, we have a memorandum of agreement that is the equivalent to the operating agreement. It's not as finessable as the operating agreement, but it has the same effect and it has the same powers for the minister. There's no shortage of opportunity for the minister to intervene if she so chooses. As I said, it's more or less on a relatively limited basis or go in with a sledgehammer. When I say "sledgehammer," I'm referring to putting the corporation into receivership and bankrupting them. That is the next step in the remediation options for the ministry.

So the notion that the minister could go in and tell the board what to do, determine who was going to be on the board, tell them to do one thing or another, is just not an option legally under our system. All we can do is cut off subsidy, put them into receivership and replace them with someone else. The minister made it clear to me from very early on that would not be a preferred choice.

Mrs Mathysen: So if the minister had gone in and punished the wrongdoers as Ms Pretty—

Mr Collins: Well, she has no ability to punish anyone.

Mrs Mathysen: But it would have been very catastrophic for the entire project had the sledgehammer fallen, as you say?

Mr Collins: I would think so. It's extraordinarily rare that that occurs.

Mrs Mathysen: Thank you.

The Chair: Ms Cronk, you have a few questions.

Ms Cronk: Thank you, sir. Mr Collins, I won't be very long. I'd like to just return to one area of questioning that came up this afternoon from the caucus members. At some point you said in reply to a question with reference to the June 17th meeting, as I understood it—the proposition was put to you that if the minister was going to meet in circumstances where it was known that there were outstanding legal proceedings and where it was intended that the meeting would be with the people involved in those legal proceedings or the people who had initiated them, in those circumstances there should be restrictions on the topics to be discussed. In the course of your reply you said, I thought, that there wouldn't be a problem if the minister went in those circumstances so long as there was no discussion of the merits of the

charges, just the fact of the charges. Did I get that more or less correctly?

Mr Collins: If I said "fact," and again there's probably a legal definition, I didn't mean the facts of the cases; I meant acknowledging that the cases exist.

1830

Ms Cronk: The existence.

Mr Collins: Yes, acknowledging the existence of the cases.

Ms Cronk: That's what I understood you to mean; I didn't mean more by it. But just dealing with that for a moment, I take from all of your evidence that you would acknowledge—indeed, you first pointed out in our discussion to the committee—that there are circumstances where because of a pending legal action a minister of the crown would be precluded from meeting with the parties involved in that legal action. That would be understanding as a policy and political adviser. Correct?

Mr Collins: Yes.

Ms Cronk: You suggested two circumstances in which that might be the case; for example, where a minister of the crown was himself or herself named in the suit, be it, I take it, criminal or civil. Correct?

Mr Collins: I would err on the side of caution. But again, I would rely on our lawyers' advice for the specifics of that.

Ms Cronk: Well, when you suggested that as a possible example, were you distinguishing in your mind between civil or criminal proceedings?

Mr Collins: No.

Ms Cronk: All right. So I take it, for the purposes of what you said, it doesn't matter. Right? And you suggested a second situation, and that's where the ministry for which a cabinet minister is responsible is named in the suit. Again, to your way of thinking, fairly, can I suggest it doesn't matter if it's criminal or civil if the ministry involved, the government's involved?

Mr Collins: Yes.

Ms Cronk: All right. You raise those as two possible situations in which a minister might be precluded from meeting.

Mr Collins: Yes.

Ms Cronk: Would you also agree with me that there may well be situations in which, where legal action is pending, be it civil or criminal, although a minister of the crown might not be precluded from attending, it might be inappropriate to do so?

Mr Collins: Yes, yes, I would think there would be occurrences of that.

Ms Cronk: All right. That could be, I suggest, for any number of reasons, including because the public might perceive in some situations that it was inappropriate for a minister of the crown to meet when a legal proceeding was outstanding, to meet with the people involved in that suit, again be it civil or criminal? Would you agree?

Mr Collins: Yes.

Ms Cronk: A minister of the crown, would you

agree, has to be concerned about that perception of the public?

Mr Collins: Yes.

Ms Cronk: And that's not just because most of them, from time to time, stand for election; it's also because the perception of the public goes directly to the issue of confidence in our justice system.

Mr Collins: Yes.

Ms Cronk: It is a responsibility of a minister of the crown to do, in his or her conduct, everything that can be done both to foster and maintain public confidence in the administration of justice.

Mr Collins: Yes.

Ms Cronk: All right. So that when you gave the answers that you gave this afternoon, fairly to you, it should not be understood that you were suggesting that it is only those circumstances in which a minister is precluded legally from meeting with parties to a lawsuit that they shouldn't do so.

Mr Collins: That's correct.

Ms Cronk: You would recognize, and indeed I think you now have, that there are situations where although there's no legal restriction or impediment, it may none the less be unwise or inappropriate to do so.

Mr Collins: Yes, and it's my understanding that there's wording to that effect in the Premier's conflict-of-interest guidelines.

Ms Cronk: Thank you. One or two other questions related to matters that came up this afternoon: I just want to be clear. It may be that there are facts that I'm unaware of, so I just want to be clear of this. All right? This issue of what advice was sought on the ability of the minister, this minister, to meet with these parties, given that there was a legal action outstanding, right—I understood you to tell the committee that you had initiated the seeking of advice or the seeking of information, as you pointed out that, strictly speaking, it wasn't advice, it was information, on what they were all about, what the facts were, what kind of charges they were. Correct?

Mr Collins: Correct.

Ms Cronk: And also on the issue of what was involved in removing a director, and there was a second memo about that?

Mr Collins: Correct.

Ms Cronk: All right. Did you personally at any time trigger or take the steps necessary to seek advice on whether the minister in the circumstance of this case was precluded legally from meeting? Did you take those steps?

Mr Collins: Again in hindsight, I should have done it more formally, but my understanding of my conversation with Patti Redmond, who subsequently forwarded the request to the legal branch around the nature of the charges, was that implicit in that request, since Patti knew that the minister had a scheduled meeting or was in the process of scheduling a matter—it was my understanding, based on my confidence in both Ms Redmond and in the legal branch, that implicit in that request would be an obvious openness for us to accept any advice, particularly

if they thought there was going to be a problem. In other words, my assumption is, and I have no way of—I've not spoken to Patti about this so I have no way of knowing, but my assumption is that when Patti asked for the note from Andrea Baston, the acting legal director at the time, that it was known that this was in reference to a potential meeting that the minister was having. And it is my assessment, given the standard practice of the way things work and the competency of the staff in the legal branch, that they would not withhold any information or advice if they felt it was relevant or in fact if they thought the minister was putting herself in some sort of compromising position. But of course technically that request, to my knowledge, did not go to the legal branch.

Ms Cronk: All right. And I certainly don't wish to be taken as suggesting circumstances in which there would be deliberate or conscious withholding of information—

Mr Collins: No, I understand that.

Ms Cronk: —but as a member of the bar, I'm obliged to suggest to you on behalf of other members of the bar that sometimes they have to be asked to lend their mind to it.

Mr Collins: I understand that.

Ms Cronk: All right. And when you suggest that it was implicit in the request that you made, that's an assumption that you're making?

Mr Collins: Absolutely.

Ms Cronk: And you didn't specifically, I take it—tell me if I'm wrong—say to any other member of the minister's staff that the minister needed advice on this issue and "Please take care of it" or "Do what has to be done to get it"? You didn't say that.

Mr Collins: No, I did not.

Ms Cronk: All right. So that the committee should not, based on your knowledge of the matter, understand that that advice was sought, whatever it might be, specifically. It wasn't.

Mr Collins: It was not.

Ms Cronk: Thank you. Again, just as a factual clarification, do you have any knowledge of Sue Lott having suggested at any point to Sharron Pretty that her letter of October 29th to the minister, whenever received, was being taken out of the normal channelling process for reply and was being separately tracked or separately dealt with? Do you have any personal knowledge of that?

Mr Collins: I have knowledge that I took it out of the normal track and either communicated that to Sue directly or via someone else, so I think what she meant was that our office was looking at it out of the normal channel. And in that case it would be me.

Ms Cronk: I see.

Mr Collins: As I said, the minister normally only sees correspondence that enters the ministry at the time that it's accompanied by the reply, unless one of her staff members, me included, receives a letter that's incoming and sort of feels that, for whatever reason, she needs to see it immediately, as opposed to however many weeks later when the reply comes up with the original attached to it.

Ms Cronk: When did you learn the matter had been referred to this committee for investigation and hearing?

Mr Collins: I don't recall the date actually.

Ms Cronk: The order of reference is dated June the 23rd. Does that help you?

Mr Collins: It would have been the day that it occurred, but I don't specifically remember the day.

Ms Cronk: And one final matter so that there's no later confusion about it. Could you look at tab 47, if you would please, of exhibit 1, volume 2. It's the handwritten note that was discussed by Mr Murphy with you.

Mr Collins: Yes, I have it.

Ms Cronk: This, as I understand your evidence, is a note from the minister to you.

Mr Collins: Yes.

Ms Cronk: And I understood you to say that it had been prepared, you assumed, some time—did I correctly understand you to say that it had been prepared some time after the June 10th meeting with Trinh Luu?

Mr Collins: My recollection is that it was in my in-tray Monday morning when I arrived.

Ms Cronk: After the meeting with Trinh Luu?

Mr Collins: Yes, the Monday after the June 10th meeting.

Ms Cronk: All right.

Mr Collins: Typically the minister takes home a package of documents on the weekend, normally involving briefings and so on for Monday that involve me. She normally returns those briefing notes with her comments on them to me, or any other matters, such as this note in the case of the Monday briefing, so that I can follow up and get answers before the afternoon briefing; in this case so that I could do other follow-up in preparation for the upcoming Friday meeting.

Ms Cronk: Okay. What does the phrase "time is running out" mean at the bottom of the page, or what did you understand it to be referring to?

Mr Collins: I understood that as her reminding me that she felt that the Van Lang Centre was on a slope downwards and that if we didn't figure out something to do to correct the course, it would quite likely have to be put into a situation of receivership.

Ms Cronk: Should I take from that that you understood that to be an observation of some volatility with respect to the situation; it was getting difficult? Steps had to be—

Mr Collins: Yes, and I assumed it was as a result of her talking to Ms Luu, or her impressions of whatever Ms Luu had told her on June 10th.

Ms Cronk: As you understood it, then, that note did not refer, I take it, to time running out before the June 17th meeting, for example.

Mr Collins: That's not certainly the way I took it.

Ms Cronk: Nor in terms of the way you took it, I take from what you're saying, did it have any reference or connection to the fact of charges having been brought by Sharron Pretty and a scheduled court appearance on June the 16th.

Mr Collins: No.

Ms Cronk: Did you ask the minister what she meant by that?

Mr Collins: No.

Ms Cronk: Thank you. Did she tell you?

Mr Collins: No.

Ms Cronk: Okay. Mr Collins, thank you very much.

The Chair: Mr Collins, I'd like to thank you for coming before the committee today.

I have a letter here—

Mr Paul Johnson: Mr Chair, I think that perhaps legal counsel, and I'm not sure that this is important to Mr Collins, but—

The Chair: Can I dismiss Mr Collins?

Ms Cronk: Perhaps not yet.

Mr Paul Johnson: I'm not sure. It has to do with the letter of October 29th from Ms Pretty. In my own notes that I've been making, I'm not sure when that was logged into the minister's office and I was wondering if legal counsel has that date.

Ms Cronk: Can you help with respect to that, Mr Collins?

Mr Collins: Based on the relooking at things today, my assumption is that I received the letter in December—December 21st, I think—and passed it on to the correspondence unit of the ministry the following day as a result of a fax from the constituency office, and noted on that fax is that, oops, this letter had been misplaced.

Mr Paul Johnson: I'm not sure how important the timing of receiving letters is—

Ms Cronk: Maybe I should pursue it a bit.

Mr Paul Johnson: —but I know in my office, I know I log them in, log them out, and sometimes we get letters dated by people that were written sometimes before they're actually received in our office, whether it's because they didn't mail them in a timely fashion or—I don't want to suggest the mail's slow, but I just wanted to know if we could have an absolute date of when this was first received.

Ms Cronk: Could I just pursue it, then? And I thank you for raising it.

Mr Paul Johnson: Yes, thank you.

Ms Cronk: Is there a log of that kind kept in this minister's office, so that every piece of correspondence is logged in on receipt?

Mr Collins: No, the correspondence unit of the Ministry of Housing is contained within the deputy minister's office. They log letters. So they will have a log date and I would assume it will match the date stamp that's on the letter. That's the purpose of the date stamp.

Ms Cronk: Does the deputy minister's office also log the date on which they transmit an original letter or a copy of a letter to the minister's office?

Mr Collins: Yes, they do, along with everyone else who gets copies.

Ms Cronk: Is that log still available? Does it exist from December of 1993?

Mr Collins: I would assume it would, yes.

Ms Cronk: Would you be prepared, through your counsel, to make inquiries and to inform me through your counsel whether the deputy minister's log contains a date indicating when a copy of that letter went from his office to the minister's office?

Mr Collins: I can access it through my own computer, so I can check it myself.

Ms Cronk: Even better. Would you mind doing that? I don't want an e-mail; if you can just tell me through Ms Kristjanson. Would that be satisfactory, or no?

Mr Paul Johnson: Also related to that is that the letter went certainly to the ministry, but I believe it also went directly to the minister's MPP office. I was just wondering: There's been some indication there was a delay. I'd just like to know how long the delay was from the time that it was received by her office till it was forwarded.

Ms Cronk: I see. One of the remaining witnesses that you're going to hear from is from the constituency office, so in terms of the mechanics that they use of recording receipt dates, it seems to me that at that end it would be a more appropriate question to put to them.

Mr Paul Johnson: Very good point. Thank you.

Mr Collins: And in fact it just occurred to me, since this is televised, I can anticipate that Patricia Redmond is looking up the date as we speak and—

Ms Cronk: Don't do that to me, Mr Collins. We've got ghosts in the room.

The Chair: Okay, thank you again, Mr Collins.

Ms Cronk: Thank you.

The Chair: I have a letter here from the Cabinet Office dated August 10th, 1994, to Ron Hansen, the Chair of the standing committee on the Legislative Assembly:

"Dear Mr Hansen,

"In response to your letter dated earlier today, pursuant to the terms of reference of the House, dated June 23, 1994, the House leaders have agreed that Friday, August 8, 1994 be added to the public hearings schedule on the matter now before the committee.

"Yours truly,

"Brian Charlton," government House leader.

So the letter's here now and we are sitting Friday, and I don't see any smiles either.

Interjections.

Mr Callahan: How can we sit on August 8th? I've got August 10th on mine.

The Chair: This committee will break for half an hour, until a quarter after 7. Ms Sue Lott will be our next witness. Do you have something?

Ms Cronk: There may be a change in which witness it is.

The Chair: Okay, we'll wait until quarter after 7.

Ms Cronk: Thank you.

The Chair: This committee's adjourned for half an hour.

The committee recessed from 1845 to 1931.

The Chair: Okay, we'll resume the hearings, the standing committee on the Legislative Assembly, and I would like to just straighten the record out here. I read a letter in earlier that said we would be meeting on Friday, August 8th, 1994; it should read August 12th, 1994.

VINH TANG

The Chair: Our next witness is Dr Vinh Tang and the clerk will administer the oath. Welcome to the committee, Doctor.

Clerk of the Committee: Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Dr Vinh Tang: Yes, I do.

Mrs Marland: Mr Chair, is there a reason that this witness is being dealt with now in position 5 whereas on the list he's position number 9? The only reason I'm asking is that I do my preparatory reading with the list that's in front of me, and I'm just wondering if there is a reason for this. I think Dr Vinh Tang is one of the people that this morning we received the transcript of a fairly important telephone conversation.

The Chair: I'll turn it over to Ms Cronk.

Ms Cronk: Ms Marland, I apologize for any inconvenience. I understand fully the point that you're raising, and I have to indicate to you that the decision was mine. It was a judgement made as counsel, and it simply had to do with scheduling and the various preparation matters that are under way.

I confess to you, although I was not in any way unmindful of the fact that committee members also put in considerable preparation, I had forgotten that the actual transcript of that discussion wasn't provided until today.

So the decision was mine and I regret any inconvenience caused to the committee. I do have to tell you, however, that it had nothing to do with Ms Lott; it was my decision as counsel, and she is not available, as a result of my discussion, to proceed this evening. I've learned my lesson, I guess. No more switches in the batting order.

Mrs Marland: Thank you for the explanation.

The Chair: Ms Cronk, you can continue on now.

Ms Cronk: Thank you. With your permission, Mr Hourigan will be leading the evidence of this witness.

Mr William Hourigan: Dr Tang, I understand you're a senior nuclear safety specialist for the Atomic Energy Control Board.

Dr Tang: Yes, I am.

Mr Hourigan: And you're a resident of Ottawa?

Dr Tang: Yes.

Mr Hourigan: You're also the commissioner for external affairs of the Vietnamese Canadian Federation?

Dr Tang: Yes.

Mr Hourigan: And you're also a director of the Van Lang Centre.

Dr Tang: Yes, I am.

Mr Hourigan: In fact, you're the president of the

Van Lang Centre board of directors. Is that correct?

Dr Tang: Yes.

Mr Hourigan: How did you come to become a director of the board?

Dr Tang: Mr Can Le approached me, asked me if I'm interested in becoming a board member at Van Lang Centre.

Interjection: I can't hear him.

The Chair: I've already asked to have it turned up.

Mr Marchese: Mr Chair, if he could move closer to the microphone it would be helpful.

Mr Hourigan: Just move up on the end. That's fine. Thank you, Dr Tang.

When were you approached about becoming a director, sir? When did Dr Can Le approach you about becoming a director?

Dr Tang: In the summer of 1993, about.

Mr Hourigan: The summer of 1993. And do you know when in fact you became a director?

Dr Tang: In July of 1993.

Mr Hourigan: July of 1993. At that point were you the president of the board?

Dr Tang: No, I was just a board member.

Mr Hourigan: You were just a board member. When did you in fact become president of the board?

Dr Tang: At the end of January.

Mr Hourigan: January of 1994?

Dr Tang: Of 1994, yes.

Mr Hourigan: When you first came on the board, had you met previously Ms Trinh Luu?

Dr Tang: Yes, I met her at one social function.

Mr Hourigan: Okay. And Sharron Pretty: Did you know her?

Dr Tang: No, I had never met Sharron Pretty before.

Mr Hourigan: Okay. You mentioned as well that Dr Can Le approached you about becoming a board member.

Dr Tang: Yes.

Mr Hourigan: Did you know Dr Le?

Dr Tang: Yes, I knew Dr Le through the community work.

Mr Hourigan: The Vietnamese community work in Ottawa?

Dr Tang: Yes.

Mr Hourigan: I'd like to take you through, tonight, as briefly as I can, the series of events that have led us to where we are today.

Dr Tang: Yes.

Mr Hourigan: I don't want to get into a great deal of detail about the back and forth between the various parties because, as you know, our terms of reference here are we're trying to focus on what happened on the June 17th meeting. However, if at any point you feel that there's something we're missing or you want to add something, feel free to stop me and we'll do that. Okay?

Dr Tang: Yes, okay.

Mr Hourigan: All right. You came on the board in July of 1993, of the Van Lang Centre. Do you know—did you become aware any time after that of concerns by Ms Luu and Ms Pretty about the way the centre was being operated?

Dr Tang: No. The first thing I heard about Ms Luu was her concern with the superintendent.

Mr Hourigan: Yes.

Dr Tang: Actually, I read her letter proposed to dismiss the superintendent.

Mr Hourigan: Do you know which letter you're referring to?

Dr Tang: It's a 13-page letter or so.

Mr Hourigan: I think we're probably dealing with—would that be a letter from June of 1993?

Dr Tang: Possibly.

Mr Hourigan: Possibly? Maybe I can just turn it up for you and we can see.

I'm advised that that letter isn't in the productions. But I take it then, sir, it was shortly after you came on the board that you became aware of the concerns she had with respect to the superintendent?

Dr Tang: Yes.

Mr Hourigan: Did Ms Pretty express any concerns about the building at that time or any time shortly after your joining the board?

Dr Tang: No. Ms Pretty, at the beginning, as I recall, her complaint was mainly about the superintendent and then later on about Dr Can Le for having so much power.

Mr Hourigan: I see. Can you help me with when those complaints started about the superintendent? Do you have any idea as a date? Would it have been in the fall of 1993 or later?

Dr Tang: Regarding the letter?

Mr Hourigan: No. You said that Ms Pretty had some concerns with respect to the superintendent. What I'm trying to find out is when exactly those concerns were expressed or when you became aware of them.

Dr Tang: I can't remember that, but since day one I thought, as I recall—early on she mentioned about the superintendent, she has concern with the superintendent's working.

1940

Mr Hourigan: All right. If I could ask you to look at exhibit 1, volume 2, tab 11.

Dr Tang: Yes.

Mr Hourigan: This is a letter dated October 29th to Evelyn Gigantes, and it's from Sharron Pretty, who signs as vice-president of the Vietnamese Canadian non-profit housing corporation. Did you see this letter, sir, when it went out in late October of 1993?

Dr Tang: I don't recall this.

Mr Hourigan: You don't recall. Have you seen it any time prior to today?

Dr Tang: No, I have never seen this letter.

Mr Hourigan: Okay. I'm going to ask you to flip the page to the next tab, which is tab 12.

Dr Tang: Yes.

Mr Hourigan: This is a letter, again to Evelyn Gigantes, but this one is from Ms Trinh Luu and it's dated November eighth, 1993. Did Ms Luu provide you with a copy of this letter?

Dr Tang: No, I don't think so.

Mr Hourigan: Have you ever seen this letter?

Dr Tang: No, I have never seen this letter.

Mr Hourigan: All right. You mentioned to me that Ms Pretty expressed concerns about the superintendent's performance in the fall of 1993.

Dr Tang: Yes.

Mr Hourigan: Were you aware of any other complaints she had at that time, generally speaking—the nature of any other complaints?

Dr Tang: Yes, the first one, I think about the sexual harassment that she had.

Mr Hourigan: Yes. Anything else?

Dr Tang: No. I can't recall anything else.

Mr Hourigan: All right. Did the expression by Ms Pretty of her concerns and the problems she felt were ongoing at the centre cause any difficulty in relationships among the board members at that time? I'm talking about the fall of 1993.

Dr Tang: As I recall, the difficulty is mainly the frustration in trying to determine what exactly her concern is.

Mr Hourigan: Whose frustration was that? Was that your frustration?

Dr Tang: The board, my frustration and the board, the rest of the board's frustration because we could not pinpoint exactly what is her concern besides the generic statement that she made.

Mr Hourigan: So you were concerned, you were frustrated that you weren't getting specifics, in your view, of her complaints. Is that what you're saying?

Dr Tang: Right. Yes.

Mr Hourigan: All right. Did you know whether Ms Pretty, in the fall of 1993, was making either the Ministry of Housing or Ms Gigantes's constituency office aware of her concerns?

Dr Tang: No, I am not aware of that.

Mr Hourigan: At the time, you didn't know she was in contact with the Ministry of Housing?

Dr Tang: No.

Mr Hourigan: Or with the minister's constituency office?

Dr Tang: No.

Mr Hourigan: What about Ms Trinh Luu? Were you aware that she was expressing concerns to the minister?

Dr Tang: No, I was not aware of that.

Mr Hourigan: All right. Similarly, you weren't aware that she was expressing concerns to the Ministry of Housing or to Ms Gigantes's constituency office?

Dr Tang: No, I was not aware of that.

Mr Hourigan: I'd ask you now to look at exhibit 1,

volume 2, tab 16.

Dr Tang: Yes.

Mr Hourigan: This is a letter dated January third, 1994. It's on the letterhead of the Van Lang Centre and it's to Evelyn Gigantes. It's written by Hieu Truong, who's listed as being president of the board of directors. Was he the past president before you took over?

Dr Tang: Yes, he was the president before I took over.

Mr Hourigan: Were you aware that this letter was being sent to Ms Gigantes requesting a meeting?

Dr Tang: Yes, I remember this.

Mr Hourigan: Who had you discussed it with?

Dr Tang: Pardon?

Mr Hourigan: You said that you were aware that the letter was going out to Ms Gigantes.

Dr Tang: Yes.

Mr Hourigan: Had you discussed it with any of the other board members prior to it being sent?

Dr Tang: No, I just sort of—you know, as I recall, I heard about this letter inviting—expressing our wishes to meet with the minister.

Mr Hourigan: Right. And would that have been Mr Truong who made you aware that the letter was going out?

Dr Tang: I can't remember that.

Mr Hourigan: Okay. But you do know that you were aware that it was going out?

Dr Tang: Yes, I think I know that.

Mr Hourigan: Okay. What was the purpose in requesting a meeting with the minister?

Dr Tang: Mainly just to tell our side of the story. After we feel that the minister just heard only from one side of the story because of this cc, the letter that Ms Sharron Pretty wrote and she cc'd to the minister, so we would think it's about time to tell the minister our side of the story.

Mr Hourigan: All right. You made reference to a letter. What letter is that, do you recall? This is a letter from Sharron Pretty to the minister, or she cc'd the minister?

Dr Tang: Oh, the letter which she cc to the minister, as I recall.

Mr Hourigan: Yes.

Dr Tang: So after this letter with the cc to the minister, we became concerned with that.

Mr Hourigan: Who was the letter addressed to that you're referring to, this letter from Sharron Pretty?

Dr Tang: She wrote to the board president, Mr Hieu, or to me.

Mr Hourigan: Yes, and do you know when that letter went?

Dr Tang: I don't know. There are a number of letters throughout the year.

Mr Hourigan: Okay. Give me a moment. So you were aware at that point when that letter went off that Ms Pretty was expressing her concerns directly to the minis-

ter. Is that correct?

Dr Tang: I don't think I was ever aware of any letter that she wrote to the minister directly, but I was aware of those letters that she wrote to the board which she cc'd to the minister. Then I'm aware of those.

Mr Hourigan: So you're aware, then, that the minister was being copied on these letters and therefore was being informed of Ms Pretty's concerns.

Dr Tang: Right. Yes, yes.

Mr Hourigan: And you told me that it was for that reason that you requested the meeting with the minister? What I'm trying to get at is, what did you hope to achieve in meeting with the minister?

Dr Tang: The thing that we hoped to achieve with the meeting with the minister was to tell our side of the story, to basically give that.

Mr Hourigan: So if I understand it, you were trying to express your side of the concerns that Ms Pretty was expressing in the letters that she had cc'd to the minister. Is that correct?

Dr Tang: Yes, yes, because our concern was that it was a long-standing problem and we would like the minister to know that we'd done our best to try to resolve the problem.

Mr Hourigan: Can I ask you to look at the volume marked exhibit 2, tab 20. You see, this is a letter dated December 20, 1993, and it's from Sharron Pretty. Can you help me who this is addressed to?

Mr Kimble Sutherland: I'm sorry, Mr Hourigan, which tab was that again?

Mr Hourigan: Sorry. Tab 20, exhibit 2. Who is this letter addressed to, sir?

Dr Tang: This letter is addressed to Mr Tuyen Huynh who is the president of the tenant association.

Mr Hourigan: All right. If I can ask you to just take a quick look at this letter, it appears from this letter that Ms Pretty was expressing concerns about an effort to have her removed from the board of directors. Is that your understanding of the letter?

Dr Tang: You said this letter—I can't recall this letter. I remember seeing this letter. I have to read it through now—

Mr Hourigan: Okay. If you want to look at it, fine.

Dr Tang: Okay. You mean the letter—

Mr Hourigan: It appears, sir, from the letter that she is expressing concerns about an effort to have her removed from the board of directors at this time.

Dr Tang: Yes, she's expressing concern, yes.

Mr Hourigan: Now, was this the letter that you were referring to when you mentioned a letter that was cc'd to Ms Gigantes? I would ask you to turn to page 3 and you can see who the letter is copied to.

Dr Tang: Yes, this is one of the letters.

Mr Hourigan: Okay. So you were aware of this letter and possibly others being copied to the minister—

Dr Tang: Yes.

Mr Hourigan: —and it was for that reason that you

made this request in January 1994 for a meeting.

Dr Tang: Yes.

1950

Mr Hourigan: Prior to the January 3, 1994, letter being sent to Ms Gigantes, had there been any other requests for a meeting with her, any verbal requests?

Dr Tang: Not that I'm aware of, no.

Mr Hourigan: All right. So as far as you're aware, this was the first request for a meeting.

Dr Tang: Yes.

Mr Hourigan: Did you hear anything back from Ms Gigantes with respect to your request?

Dr Tang: There is a short letter. Later on she said she can't come.

Mr Hourigan: All right. I'd ask you then to turn, dealing with exhibit 1, volume 2, to tab 29.

Dr Tang: Yes.

Mr Hourigan: This is the letter you're referring to?

Dr Tang: Yes, this is the letter I'm referring to.

Mr Hourigan: Did you see this letter when it came in? When it arrived to Mr Truong, did he provide you with a copy of it or show you a copy?

Dr Tang: I think I have read this letter before, yes.

Mr Hourigan: Okay. Were you aware, sir, at that time of any requests made by Sharron Pretty or Trinh Luu to meet with the minister?

Dr Tang: No, I'm not aware of that.

Mr Hourigan: Just so we're clear, at the time—I'm talking now in the early part of 1994—you weren't aware that Ms Luu or Sharron Pretty were requesting a meeting with the minister?

Dr Tang: No, I was not aware of that.

Mr Hourigan: Okay. After the receipt of the March 25th, 1994, letter, between the end of March and the beginning of June, were there any further discussions with the minister or her office about setting up a meeting?

Dr Tang: No, not that I'm aware of.

Mr Hourigan: So from the end of March to the beginning of June, there's no discussions about setting up a meeting with the minister?

Dr Tang: No.

Mr Hourigan: If you could turn to tab 32 in exhibit 2, that appears to be a letter dated February eighth, 1994.

Dr Tang: Yes.

Mr Hourigan: It's from Mr Sutherland and it's addressed to you?

Dr Tang: Yes.

Mr Hourigan: All right. Do you recall receiving that letter on or about the beginning of February 1994?

Dr Tang: Yes.

Mr Hourigan: Was that letter mailed to you or was it delivered to you? Do you recall?

Dr Tang: I can't recall. I think I get it from the office, from the Van Lang office.

Mr Hourigan: From the Van Lang Centre office?

Dr Tang: Yes.

Mr Hourigan: Do you recall on or about that date a meeting of the board of directors where the compliance review was presented to the board?

Dr Tang: Yes. It's roughly then, yes.

Mr Hourigan: Okay. So is it possible then that this letter was delivered to you at that meeting when the compliance review was presented to the board?

Dr Tang: Yes, that is possible.

Mr Hourigan: Do you know one way or the other?

Dr Tang: I can't recall exactly when I received it, but I have read this, yes.

Mr Hourigan: I'd ask you then to look at the second paragraph of the letter.

Dr Tang: Mm-hmm.

Mr Hourigan: Mr Sutherland appears to indicate that there are areas where improvement is necessary, although the report as a whole is generally favourable.

Dr Tang: Yes.

Mr Hourigan: He expresses concerns about two areas: "improved administrative efficiency."

Dr Tang: Yes.

Mr Hourigan: And "the...reports of dissatisfaction with some of the activities of the board by one of the directors and former staff."

Dr Tang: Yes.

Mr Hourigan: At the February board meeting, do you recall discussion of the compliance review and of those concerns?

Dr Tang: Yes.

Mr Hourigan: Who attended that meeting from the Ministry of Housing?

Dr Tang: I think Mr Sutherland himself.

Mr Hourigan: Mr Sutherland did?

Dr Tang: Yeah, as I recall.

Mr Hourigan: The compliance review was discussed in detail at that meeting, do you recall?

Dr Tang: I'm sorry, Mr Sutherland never attended. The first time he attended was—no, not this meeting. I'm sorry, no.

Mr Hourigan: Okay. Were there Ministry of Housing officials at that meeting, the February meeting?

Dr Tang: I can't recall. I'm sorry.

Mr Hourigan: Do you recall whether Bill Clement was there?

Dr Tang: Bill Clement was there a lot of times to help us out, yes.

Mr Hourigan: Specifically, though, with the February 1994 meeting?

Dr Tang: I can't remember that. I don't know.

Mr Hourigan: Okay, you can't remember. But there was a representative of the Ministry of Housing, is that what you're telling me?

Dr Tang: I don't remember that, really.

Mr Hourigan: You don't remember?

Dr Tang: I don't remember that meeting, no.

Mr Hourigan: Okay. I ask you then to turn to tab 40 of the same volume. This is a letter dated April 11, 1994, and it's addressed to Brian Sutherland, and it's signed by you as president of the board of directors. Did you prepare this letter, sir?

Dr Tang: No, I did not prepare this letter, but—

Mr Hourigan: Who prepared the letter?

Dr Tang: Mr Can Le.

Mrs Marland: I didn't hear the answer.

Ms Cronk: Dr Can Le.

Mr Hourigan: Why did Dr Le prepare it and not you?

Dr Tang: He was the longest-serving member of the board, and he had a lot more on the background of the operation. We work on a volunteer basis, we just chip in whatever we can, and I'm quite a new member. I let him prepare that.

Mr Hourigan: All right. What was the purpose of the letter?

Dr Tang: The purpose of the letter is just to clarify some of the points we wanted to clarify that we think may be misunderstood by the Housing officials.

Mr Hourigan: As I understand it, this was a letter that was in response to the compliance review?

Dr Tang: Yes.

Mr Hourigan: And in that letter, if you look at page 1, you deal with a number of topics. Under the heading "Points of Clarification," it deals with "Information Made Available to Members of the Board of Directors," "Guidelines on Conflict of Interest."

Dr Tang: You mean page 2?

Mr Hourigan: Yes, page 2. "Referrals from the Regional Housing Authority."

Dr Tang: Yes.

Mr Hourigan: The "Fire Safety Plan."

Dr Tang: Mm-hmm.

Mr Hourigan: "Superintendent's Leave."

Dr Tang: Yes.

Mr Hourigan: "Loss of Equipment."

Dr Tang: Yes.

Mr Hourigan: The issue of "Pre-Signed Cheques."

Dr Tang: Mm-hmm.

Mr Hourigan: And the letter then deals with "Measures Undertaken Since the Review"?

Dr Tang: Yes.

Mr Hourigan: And those are measures, I imagine, to clarify or to correct the weaknesses in the compliance review?

Dr Tang: Yes.

Mr Hourigan: And this letter was prepared, then, by Dr Le. Did you review it before it went out?

Dr Tang: Yes, I reviewed it. He discussed with me before he wrote it, and I reviewed it, and I agree with it.

Mr Hourigan: So you are in agreement with the contents of the letter?

Dr Tang: Yes, yes.

Mr Hourigan: I ask you to turn to exhibit 1, volume 2, to tab 25. At that tab, there's a letter to Mrs Gigantes signed by Sharron Pretty and Trinh Luu. Have you seen this letter before?

Dr Tang: No, I have never seen this letter before.

Mr Hourigan: All right. If you'll turn to the third page behind the tab, there's an attachment, a letter to—

Dr Tang: Do you mean the third page in?

Mr Hourigan: Yes. All right? This is a letter dated March 1, 1994, to Brian Sutherland, and this is a letter from Sharron Pretty. Have you seen that letter before, sir?

Dr Tang: No, I have never seen this letter before.

Mr Hourigan: Without going into details, it appears in both letters that Ms Pretty and Ms Luu were expressing ongoing concerns about the operation of the Van Lang Centre. Is that consistent with your memory at the time, in the spring of 1994, that the expression of concerns were ongoing from Ms Pretty and Ms Luu?

Dr Tang: We never heard any complaint from Miss Luu, but from Miss Pretty, yes. In all of the board meetings she attended she raised, again, generic concerns, like the superintendent has so much power, the secretary has so much power. She pointed out generic issues most of the—all the time, actually, most of the times.

2000

Mr Hourigan: Were there any other issues she was raising at that point?

Dr Tang: I don't recall offhand, but basically what sticks in my mind is that she kept pushing for the removal of the two gentlemen.

Mr Hourigan: The two gentlemen you're referring to are?

Dr Tang: The superintendent and Dr Can Le.

Mr Hourigan: Okay. The superintendent's name is?

Dr Tang: Tung.

Mr Hourigan: Okay. What effect did these complaints have on the operation of your board meetings?

Dr Tang: I think it takes time from discussion of matters that have more direct relevance to the operation and to the concerns of the tenant.

Mr Hourigan: So it was your view that it was taking up board time?

Dr Tang: Yes, certainly.

Mr Hourigan: And these were concerns that you didn't think should be raised with the board?

Dr Tang: No, I didn't say that. All what I say is that, as I mentioned earlier, we don't know. We didn't know and we don't know what she's getting at, she tried to get at, because she kept raising generic questions of generic concerns such as the power of the superintendent. When I asked her, "What specific power that you think the superintendent has?" she would reply, such as he would go around gossiping with tenants. I mean, how can I deal with that?

Mr Hourigan: That was one of her complaints?

Dr Tang: Yes. And about the secretary, she said

there's so much power. I asked her, "What kind of power?" and really, until this date, she couldn't give me a single answer to that.

Mr Hourigan: All right. I'd ask you then to look at tab 23 of volume 2 of exhibit 2. If you'll look at this document here, it's a background note, and it's prepared by Mr Bill Clement.

Dr Tang: Excuse me. I may have looked under the wrong one.

Mr Hourigan: Exhibit 1. This is a background note prepared by Bill Clement.

Dr Tang: Actually, that's not in there.

Mr Hourigan: If you'll just turn the page you'll see it there, sir.

Dr Tang: Oh, yes, background note.

Mr Hourigan: If you turn to the third page, you'll see it's dated February 14th on the bottom right-hand corner. Was Mr Clement attending board meetings at that point at the Van Lang Centre?

Dr Tang: I assume so. I couldn't remember exactly when, but I think it's after Christmas time, December 30th, 1993, when Brian Sutherland first attended a board meeting, and subsequently Bill Clement attended almost every board meeting, but I don't know when exactly he first started.

Mr Hourigan: Okay. So if I understand your evidence, then, the December 30th board meeting Brian Sutherland attended as a representative of the Ministry of Housing.

Dr Tang: Yes.

Mr Hourigan: All right. Was that the first board meeting where you had a representative of the Ministry of Housing in attendance?

Dr Tang: Yes, as I recall.

Mr Hourigan: All right. And subsequent to that, the meetings in the early part of 1994, did Mr Clement attend those meetings?

Dr Tang: If Bill Clement subsequently did? Yes.

Mr Hourigan: All right. I just want to clarify a point. If I understand your evidence from before, you indicated that you were frustrated, that you didn't understand the nature of the complaints that Ms Pretty was raising at this time. Is that correct?

Dr Tang: Yes. Excuse me. Not the nature of it, but the specificity, the specific point of her complaint that I never get at.

Mr Hourigan: Do you recall Ms Pretty raising the issues, and I think she termed them two core issues, of tenant participation and tenant access?

Dr Tang: Yes.

Mr Hourigan: Did you understand the nature of her complaints in that regard?

Dr Tang: Yes, but that was later on. After all of her generic complaining I was asking her, I said, "We are here for the safety and the security of the tenant, so if you have any concern about this issue or the financial management, then please let me know, and be specific." And I think I was the first one who used the term "core

issues," and after that, she started to come up with some kind of core issues.

The two issues that you mentioned, yes, I agree, it was important issues, but again, what specific complaint about tenant participation? That I don't know. She did not come forward with a specific concern or what specific about tenant accessibility. She did not come with any specific to us.

Mr Hourigan: I just want to be clear on when you understand those two core issues were raised by her. Can you give me a time frame when the two core issues first came up?

Dr Tang: I can't remember that, no.

Mr Hourigan: Would it be in the fall of 1993?

Dr Tang: It could be, after a few months of board meetings of staff from July, so yes, maybe into the fall. It could be that.

Mr Hourigan: All right. And it's your evidence that you didn't understand what she meant by those—

Dr Tang: Again, I understood what she meant by the tenant participation and the tenant selections, I understood that, but: "What's wrong with our practice? Give me specific example of what we're doing wrong." I never heard from her on that account.

Mr Hourigan: It's your evidence that she never provided you with specific evidence of her complaints.

Dr Tang: Yes. Up until this day, as of—

Mr Hourigan: All right. If you'll look at page 2 of the document in front of you, there's a note here under the title "Board Antagonism." Mr Clement notes, "There is considerable antagonism at the board level between the lone non-Vietnamese tenant member"—and do you understand that to be Ms Pretty?

Dr Tang: Yes. Now I read it, I think that's right.

Mr Hourigan: At the time, was she the only non-Vietnamese member of the board?

Dr Tang: Yes.

Mr Hourigan: —"and the others. (Reportedly 60 of the 70 units are occupied by Vietnamese households)." Mr Clement goes on to note: "Most of the complaints are considered to be internal (personnel) or corporate and beyond the bounds of the project operating agreement with the ministry (although as a Homes Now project, no agreement has been executed.) Although of concern, little else can be done other than coach the directors on how to deal with the issues."

The next point he makes: "After the report was tabled at the February 8 meeting, other business was conducted. The meeting deteriorated rapidly, with much antagonism between the lone non-Vietnamese tenant member and the others over her taping of the meeting and her concerns with the content of prior meeting minutes, comments on the inexperience of the administrator (who was in attendance), and access to corporation documents."

Was that an accurate statement of the type of board meetings you were having at that time?

Dr Tang: I would not describe it this way.

Mr Hourigan: How would you describe the relation-

ship among the board members?

Dr Tang: I would say we were frustrated in trying to find out what Miss Sharron Pretty was getting at. We could not get that, and we were quite frustrated with that.

Mr Hourigan: Would you agree with Mr Clement's statement that there was considerable antagonism between the board members?

Dr Tang: No, I wouldn't characterize it that way.

Mr Hourigan: So you would characterize it as just being frustration at that point.

Dr Tang: Yes. We tried to listen to her, tried to address her concerns to the best of our ability, but still we could not get the specificity to deal with.

Mr Hourigan: All right. At that time, throughout the winter of 1994 and into the spring, was the relationship among the board members staying at the same level or were things declining in terms of your ability to get things done and to operate efficiently?

Dr Tang: It's getting more difficult, yes.

2010

Mr Hourigan: Specifically, at this point was there antagonism, as you understood it, between Ms Pretty and Dr Le? In February 1994, in your attendance at board meetings, did you witness a deteriorating relationship or a poor relationship specifically between Ms Pretty and Dr Le?

Dr Tang: Yes, and this started from day one, as I said. But at the beginning she would just make comments like: "How would you find the time to do this, Dr Le? You almost have two full-time jobs there. I would never understand how you would find the time to devote to this centre." At the beginning she'd make that kind of remark, and it deteriorated with time to calling names.

Mr Hourigan: So by 1994 they'd gotten to the point where they were calling each other names at board meetings?

Dr Tang: They don't call each other names, because I never recall a single name that Dr Can Le called Miss Sharron Pretty—not a single name.

Mr Hourigan: All right. How would you describe, then, the relationship between Ms Pretty and Dr Truong, who was also on the board at that time?

Dr Tang: Their relationship was businesslike, I think.

Mr Hourigan: So you didn't witness any ill feelings between the two of them in the board meetings?

Dr Tang: No, I did not witness any ill feeling between the two of them, no.

Mr Hourigan: So that any ill will was between Dr Le and Ms Pretty, as far as you can recall?

Dr Tang: Yes.

Mr Hourigan: Okay. In exhibit 1, volume 2, tab 53—

Dr Tang: Excuse me, it's not here; it's only tab 50 here.

Mr Hourigan: This is exhibit 1, volume 2.

Mr Owens: Do you think it's appropriate for a member of the committee to be discussing testimony with a person who has been a witness to this proceeding? This has happened on a number of occasions, where the

witness of Monday has approached the member of the third party; they've engaged in discussions. They're back there now engaging in discussions while this witness is testifying. If Ms Luu has evidence she would like to present to the committee, I'm assuming she's still under oath and would like to present that to the committee.

Mr Callahan: Mr Chair, I'd like to speak to that. Special counsel cautioned every witness, while they were under testimony, not to discuss their evidence with anybody. Once they're finished, they are as free to come and go as any other person in this room.

Mr Marchese: He's just asking a question of appropriateness.

The Chair: Ask the question to the Chair, and I'll ask Ms Cronk to make a reply. I believe they have every authority, but that's not—Mr Harnick?

Mr Harnick: I think it's rather presumptuous of the member to assume what the contents of private conversations are with a witness who's already completed their testimony. The fact is that the member knows nothing about what was going on in these purported private conversations, and I think it's very presumptuous that the member thinks there's some wrongdoing by one of his colleagues. I caution the honourable member that that's not the way we behave vis-à-vis one another, and he should be ashamed.

Mr Kimble Sutherland: Oh, please.

Mr Marchese: All the member did was to raise a question. It was asking counsel for an opinion, that's all.

The Chair: A question to the Chair, and I'm asking Ms Cronk. I don't believe there's anything wrong, but I'll hear her opinion.

Mrs Marland: May I just speak before counsel?

The Chair: No, I'd like to hear the counsel. We can get into a discussion for an hour, and then we'd wind up—

Mrs Marland: Well, it's about me. I think I have a right to make a comment.

Mr Kimble Sutherland: Mr Chair, with all due respect, the question, I believe, was directed to—

The Chair: It was directed to me and I'm asking counsel for a reply.

Mrs Marland: Mr Chair, on a point of privilege: I want to hear from the counsel, Ms Cronk, but I think I have a right to speak, since I left the table to go and speak to two people at the back of the room—

The Chair: That is your privilege.

Mrs Marland: —which is my privilege, and as I was doing that I didn't realize the question was being asked about me. But the one thing I would like to say, Mr Chair, to you, is that I am speaking to a witness who has completed her testimony, unlike some of the government members who have been speaking constantly with ministry staff who have yet to come before this committee. We have a very interesting—

Mrs Mathysen: That's not true. That is not true.

The Chair: Okay. Look, you wanted to explain your position going over there, but we're getting on beyond

that. Ms Cronk, could you explain, and I hope that you confer with the Chair.

Ms Cronk: Well, that sort of takes care of that.

The Chair: Okay. No, no, I'm just—

Ms Cronk: There are two rules generally, and this was raised at the beginning of the hearing, and the first is that witnesses are not to discuss their evidence at any point with anyone during the course of their evidence. Before some tribunals and some courts that rule applies until the matter is complete before the court or the tribunal. There has been no ruling to that effect by this committee, and it doesn't apply in all tribunals; it's not a general ruling. So as a general answer, it is permissible to speak with a witness when their evidence is completed unless there is a specific rule or procedure that applies in the forum that prevents it. It is absolutely unacceptable to confer in advance of their evidence or during the course of their evidence at any point.

I have to say that there have been a number of inquiries about this this week, in the hearing to date, and there have been a number of discussions by a number of parties with a number of people that your counsel are aware of. So I just point that out. Talking to the lawyers for witnesses is one thing. Being provided with information by them is, in my view, not from a legal perspective in any way impermissible. Speaking to witnesses is generally unwise.

The Chair: I think maybe the other thing to make a little bit clearer, are you looking at recalling any witnesses as it is right now?

Ms Cronk: At the moment, I have no recommendation to make to you in that regard.

The Chair: If someone was to get recalled, then that would be different.

Ms Cronk: That's correct.

The Chair: Okay, fine. Mr Hourigan, you might as well carry on.

Mr Hourigan: Getting back to where we were, in the spring of 1994, did Ms Pretty engage in a practice of taping board meetings at that point?

Dr Tang: I can't remember exactly at which point she started doing it, but she did it at some time, yes.

Mr Hourigan: She did tape board meetings, you recall?

Dr Tang: Yes.

Mr Hourigan: Was she taping board meetings in 1994 that you're aware of?

Dr Tang: Yes, in 1994 certainly I think she did.

Mr Hourigan: What was the reaction of the other board members to that practice?

Dr Tang: I think some board members felt intimidated.

Mr Hourigan: Intimidated?

Dr Tang: Yes.

Mr Hourigan: Did they express any concerns to Ms Pretty about her taping the meetings?

Dr Tang: Yes, I think they did.

Mr Hourigan: What was Ms Pretty's response to those?

Dr Tang: She said she had the right to make sure that she had a record of what had been said at the meeting.

Mr Hourigan: In your view, the practice of taping meetings, did that contribute to the antagonism among the board members or contribute to any antagonism among the board members?

Dr Tang: Yes, I think so. It contributed to the frustration.

Mr Hourigan: To the frustration of the other board members?

Dr Tang: Yes.

Mr Hourigan: In front of you, you have a copy of an article dated June first, 1994, from the Toronto Sun by James Wallace. Do you recall when you first saw that article?

Dr Tang: Yes. Actually, this is from the Toronto Sun?

Mr Hourigan: Ottawa Sun, sorry.

Dr Tang: Ottawa Sun, yes, I read it from the Ottawa Sun.

Mr Hourigan: Do you recall when you first saw the article?

Mr Callahan: I'm sorry, this witness was asked about the Toronto Sun, I thought, was he?

Interjection: Then he corrected himself.

Mr Callahan: He said "Ottawa Sun" so—

Mr Hourigan: It is the Ottawa Sun.

Mr Callahan: Okay, all right.

Mr Hourigan: So you did see the article. My question to you is, when did you first see the article?

Dr Tang: I saw the article I think on the day that it was published.

Mr Hourigan: All right. In the article, there are a number of complaints that Ms Pretty has made about the operation of the Van Lang Centre.

Dr Tang: Yes.

Mr Hourigan: Were any of the concerns expressed news to you? Had you heard these concerns expressed previously?

Dr Tang: No, some of the concerns I had not heard before.

Mr Hourigan: Which concerns specifically hadn't you heard about before?

Dr Tang: The use of lawyer fees for private use and the nepotism and there's a discrimination against non-Vietnamese tenants. The last three I never heard before.

Mr Hourigan: There's also mention in the article of charges or contemplated charges that Ms Pretty had filed with the crown attorney's office.

Dr Tang: Oh, yeah, I read about the four complaints here. The charges I have never heard before either.

Mr Hourigan: You had no knowledge about any charges previous to seeing them published in the Sun?

Dr Tang: No, I have no knowledge of any charges

before this, except as I mentioned to you, I think, you know, we heard from Ms Bui that Ms Pretty did make a threat that she would sue us all and that sort of thing.

Mr Hourigan: You heard that from whom?

Dr Tang: From Ms Bui, the office assistant.

Mr Hourigan: Can you just spell her last name?

Dr Tang: Her last name is Bui, B-U-I.

Mr Hourigan: Okay. Ms Bui expressed to you or let you know that Ms Pretty had stated previously that she was contemplating laying charges or suing the board members, is that correct?

Dr Tang: Yeah, but just like an empty threat at the time. That's how we took it.

Mr Hourigan: You took it as an empty threat. Do you know when you were advised of that by Ms Bui?

Dr Tang: It's certainly before this, but I can't remember. I mean, she worked there just for a month or so.

Mr Hourigan: Were you contacted before this article appeared in the newspaper by the reporter?

Dr Tang: No, I was not.

Mr Hourigan: What was your reaction to the article when you saw it for the first time?

Dr Tang: We were quite upset when we saw this article for the first time.

Mr Hourigan: Previous to it being published, had you spoken to Dr Truong about any contact he might have had with the author of the article? The article comes out on June the first.

Dr Tang: Yes.

Mr Hourigan: It's my understanding that Dr Truong was contacted by the author of the article, James Wallace, a day or two previous to that. Had he made you aware of that fact?

Dr Tang: Again, I'm not sure if for this particular article or not, but I do recall whenever he is talking to a reporter, he has made me aware of that, yes.

Mr Hourigan: So whenever Dr Truong spoke to a reporter, he let you know?

Dr Tang: Usually, yes, as I understood.

Mr Hourigan: And you don't recall whether he let you know about any discussions he might have had previous to this specific article going out?

Dr Tang: No, I don't recall that, no.

Mr Hourigan: But you certainly weren't contacted by Mr Wallace before it was published?

Dr Tang: No, I was not contacted.

Mr Hourigan: What response if any did the board have to the publication of the article? What I'm asking—sorry, go ahead.

Dr Tang: As I said, we were quite upset in that he make these reckless and irresponsible statements to the public without discussing it with the other board members.

Mr Callahan: Could I ask if the gentleman, if there's a seat or possibly if he could swing his seat between the two microphones, and we'll get a better pickup. I'm having real trouble hearing him. It's not his fault; it's our

system I guess, but—

Mr Owens: Mr Chair, do you think we could get a lapel mike perhaps from—

Mr Callahan: Yeah, that might be helpful, because—

Mrs Marland: Yes, that's a good suggestion.

Mr Callahan: I think he has some difficulty in describing things and I think in fairness to him, he should have that.

The Chair: I think what it is is that he's used to talking to Bill here, and by turning, he's turning away from the mikes.

Mr Callahan: Well, maybe we've created a problem that Margie created right at the beginning.

The Chair: We'll take a five-minute recess.

The committee recessed from 2024 to 2037.

The Chair: Okay. We'll resume the hearings, and Mr Hourigan, questioning again. We've got the mike on the doctor over here so we can all hear.

Mr Hourigan: Before we begin, I neglected to introduce your counsel to the committee. Mr Phil Hunt is here on your behalf.

Before we broke, we were discussing the June first article by James Wallace in the Ottawa Sun and you indicated to me that at that point this was the first confirmation you had about the charges that were going to be laid by Ms Pretty.

Dr Tang: Yes, that's correct.

Mr Hourigan: Okay. Do I take it from that response at that point you hadn't been served with a summons?

Dr Tang: No, I had not been served with a summons by this time yet.

Mr Hourigan: Okay. When were you served with a summons? Do you recall?

Dr Tang: Shortly after this. Shortly after the article. Maybe a week or so after.

Mr Hourigan: Okay. I'll ask you to turn in exhibit 1, volume 3; turn up document 66.

Interjection.

Mr Hourigan: Exhibit 1, volume 3, tab 66.

Dr Tang: Yes.

Mr Hourigan: All right. This appears to be a resolution or a notice of a meeting to be held on Sunday the 19th of June and the second paragraph indicates:

"Resolved that:

"Sharron Pretty be removed from her office as a director of the board of directors pursuant to section 3 of bylaw No. 1 of the corporation."

Dr Tang: Yes.

Mr Hourigan: And this document, is this signed by you, sir?

Dr Tang: Yes, it's signed by me.

Mr Hourigan: Okay. Can you give me some background on what led up to the issuing of this notice?

Dr Tang: I think the remark that she made, or her comment in the Sun, in the article that you just mentioned earlier, led us to think that maybe a director who

has made that kind of irresponsible comment in a paper—it may have compromised her effectiveness as a board member.

Mr Hourigan: Okay. Was that your view?

Dr Tang: Yes, it's my view.

Mr Hourigan: Did the other members of the board share that view?

Dr Tang: Yes, most of the board members shared my view.

Mr Hourigan: Most of the board members?

Dr Tang: Yes.

Mr Hourigan: When you say "most," you mean all but Ms Pretty?

Dr Tang: I assume so.

Mr Hourigan: You assume so. Who did you discuss this with before you had the notice issued?

Dr Tang: We may have had a board meeting before that to discuss the article, the Sun article.

Mr Hourigan: Right. There was a board meeting, I believe, on June third, 1994. Was it at that meeting that the decision was made to—

Dr Tang: I think so, yes.

Mr Hourigan: You think so. And do you recall whose idea it was?

Dr Tang: It's the board's decision, I think.

Mr Hourigan: It was a board decision, but do you recall specifically which board director came up with the idea or first brought up the idea of moving to remove Ms Pretty as a director?

Dr Tang: I don't recall that.

Mr Hourigan: You don't recall. And did you vote in favour of that resolution?

Dr Tang: Yes, I voted in favour of that.

Mr Hourigan: Do you recall if anybody opposed it?

Dr Tang: No, I don't think anybody opposed it.

Mr Hourigan: Besides the board members, who else got copies of this notice?

Dr Tang: I wouldn't know that.

Mr Hourigan: You don't know?

Dr Tang: I wouldn't know who else. You mean—this one just—this is a notice of meeting. It's supposed to be distributed to board members.

Mr Hourigan: To board members.

Dr Tang: Yes.

Mr Hourigan: Do you know if this notice went to anybody else, specifically whether it went to anybody in the Ministry of Housing?

Dr Tang: Oh, yes. Normally this kind of notice would have a copy sent to the Ministry of Housing.

Mr Hourigan: Do you know whether this specific notice was sent to the Ministry of Housing?

Mr Callahan: Mr Chair, during the recess I spoke with our people who are in charge of transmission here and they suggested that we can all have one of these. This gentleman, I'm not sure whether his other language is French, but he'd have the benefit of tuning into the

French channel and we would all have the benefit of being able to hear everything that's said. I understand there are enough of these around. Are there? No?

The Chair: I don't have a problem.

Interjections: No.

Mr Callahan: Well, I don't know. I am.

Mr Hourigan: I'm advised, Mr Callahan, that he doesn't speak French.

Mr Callahan: Oh, all right. Okay.

Ms Cronk: Mr Callahan, if it's a volume problem, which it appears to be, then we could perhaps try to deal with that.

The Chair: Mr Callahan, how about picking up the English version on there. It'll be a little bit louder and you can tune it louder.

Mr Callahan: I intend to, but I thought I could be helpful to the committee and also to the witness.

Interjection.

Mr Callahan: Okay, if nobody else is having difficulty, that's fine.

The Chair: He's got the mike on there. I have no problem hearing and I'm hard of hearing. Just stick it in your ear there.

Mr Callahan: You're a little closer and a little younger, so that's probably why you can hear him.

Dr Tang: I will try to speak louder.

The Chair: Okay, thank you.

Mr Callahan: We have an obligation to make certain you are heard.

Dr Tang: Sure. Yes. I understand that. I will try to speak louder.

Mr Hourigan: Thank you, Dr Tang.

In an answer to a question I just put to you, you indicated that normally notices of this type are sent to the Ministry of Housing. Is that correct?

Dr Tang: Yes, I think so, yes.

Mr Hourigan: Okay. Do you know if this specific notice was sent to the Ministry of Housing?

Dr Tang: I don't know that.

Mr Hourigan: Do you know whose responsibility it would be to send it to the Ministry of Housing?

Dr Tang: The secretary.

Mr Hourigan: The secretary, and at that time, the eighth of June, 1994, who was the secretary?

Dr Tang: Dr Hieu Truong.

Mr Hourigan: So if a notice was sent, it would have likely been sent by Dr Truong.

Dr Tang: Yes.

Mr Hourigan: The decision to move to remove Ms Pretty was based, you were telling me, on the allegations she made in the June first article found in the Ottawa Sun? Was that the basis of the issuance of the notice?

Dr Tang: Yes, the basis is, we believe she has compromised her effectiveness as a board member by stating reckless remarks to the newspaper and we believe it's also irresponsible remarks to the newspaper.

Mr Hourigan: All right. Was there anything else you based the decision on to send the notice out to have her removed?

Dr Tang: It was part of the last straw that broke the camel's back.

Mr Hourigan: The last straw that broke the camel's back. All right. What specifically? Are you telling me that the newspaper articles and other problems that you had experienced with her led to this decision?

Dr Tang: Yes.

Mr Hourigan: Okay. Can you tell me what the problems were?

Dr Tang: The problem, as I stated earlier, that she seemed to have her own personal agenda, that we tried to understand, but we just could not find out what she's heading to. Our concern at that time, we said to her many times, was the tenants' safety and security and the financial management of the operation.

Mr Hourigan: Yes.

Dr Tang: And we asked her if she has any of those concerns she would raise to us, but we did not get any specific concern from her.

Mr Hourigan: All right.

Dr Tang: So we think that she was not there for the benefit of the tenants at all.

Mr Hourigan: Okay.

Dr Tang: Specifically, she was the tenant director.

Mr Hourigan: She was the tenant director?

Dr Tang: Yes. And, you know, part of that is that we feel like if she's a tenant director but she did not raise any concern from the tenants, but just her own personal view, and she even worked on a group of tenants, so we were afraid that it would cause friction among the tenants as well.

Mr Hourigan: When you say she "worked on a group of tenants," what do you mean by that?

Dr Tang: In one of her letters, for example, she cc'd to the so-called non-Vietnamese tenants.

Mr Hourigan: All right. And that was of concern to you?

Dr Tang: Yes.

Mr Hourigan: And why is that?

Dr Tang: Because we think, if a board of directors seeks out a selected group of tenants, and to discuss certain issues with a selective group of tenants, that may cause friction among the tenants.

Mr Hourigan: All right. As I understand your evidence, then, the facts that led to the issuance of the notice were publication of the article in the Ottawa Sun, your concern that she had her own personal agenda, as you put it. Is there anything else?

Dr Tang: Basically, that's some of the major concerns.

Mr Hourigan: All right. Shortly after—this notice is dated the eighth of June. If I could ask you to turn to tab 68 in the same volume, there's a letter here dated June 9, 1994, from Bill Clement, and it's addressed to you. Do

you recall receiving this letter, sir?

Dr Tang: Yes, I recall that.

Mr Hourigan: Do you recall when you received it?

Dr Tang: I can't remember exactly. Everybody say June 9.

Mr Hourigan: It's dated June ninth.

Dr Tang: Yes, it's dated June ninth, but I think I received it shortly after that.

Mr Hourigan: Okay. And in the letter, Mr Clement is indicating that he'd been advised by the minister that she had arranged for a meeting to be held with the board of directors, and the meeting was to be held June 17th at 10 am.

Dr Tang: Yes.

Mr Hourigan: And he asked you to advise all the other directors and let him know by next Wednesday which ones would be attending.

Dr Tang: Yes.

Mr Hourigan: Did you do that?

Dr Tang: I did not do that because I see that the secretary's job.

Mr Hourigan: When you say "the secretary," who do you mean?

Dr Tang: Dr Hieu Truong.

Mr Hourigan: So you assumed that Dr Truong had the responsibility to contact the members?

Dr Tang: Yes.

Mr Hourigan: Did you contact any members and advise them of this meeting?

Dr Tang: No, I did not.

Mr Hourigan: Specifically, did you speak to Sharron Pretty at all about this meeting?

Dr Tang: No, I did not.

Mr Hourigan: Did you provide this letter to Dr Truong once you'd received it?

Dr Tang: The letter came to the office.

Mr Hourigan: Yes.

Dr Tang: And I think the office assistant made one copy available to me and a copy available to Dr Truong as well.

2050

Mr Hourigan: As far as you're aware, then, Dr Truong then contacted the other board members.

Dr Tang: Yes.

Mr Hourigan: Do you know if he contacted all of them at once?

Dr Tang: I have no way of knowing that, no.

Mr Hourigan: You have no way of knowing it. Because there's an indication from Ms Pretty that she wasn't advised about this meeting until some time later and that she had to contact Dr Truong to find out about it.

Dr Tang: I learned that the superintendent at the time—it was a temporary superintendent—hand-delivered this letter to her. That's as I recall.

Mr Hourigan: From what Ms Pretty has indicated,

the letter was delivered to her only after she found out about it through another means and contacted Dr Truong. Do you have any evidence in that regard? Do you know anything about the delivery?

Dr Tang: I didn't know that, no.

Mr Hourigan: Prior to this letter arriving in the early part of June, had you or any of the other board directors that you're aware of had any discussion with the ministry with respect to setting up another meeting with the minister?

Dr Tang: No, I'm not aware of anything like that.

Mr Hourigan: Did this letter take you by surprise, then?

Dr Tang: No, no, this letter does not take me by surprise because Bill Clement, at the board meeting just prior to this, had asked us verbally, are we available to meet with the minister now, that she's available to meet with us.

Mr Hourigan: What board meeting was that?

Dr Tang: It's just prior to this one. I can't remember the exact day.

Mr Hourigan: Would that be the June third board meeting?

Dr Tang: It must be, I guess.

Mr Hourigan: Oh. There was a meeting on June third of the board, and at that meeting you discussed the James Wallace article. There was also discussion at that time about issuing the notice to remove Ms Pretty. Was Mr Clement at that meeting?

Dr Tang: I can't remember.

Mr Hourigan: Do you know when the board meeting for May would have been held?

Dr Tang: I can only recall that prior to this one, prior to receiving this letter, Bill Clement was at one of our board meetings and told us that.

Mr Hourigan: Okay, and you don't recall whether it was the June board meeting or the May board meeting.

Dr Tang: No, I can't recall that.

Mr Hourigan: What specifically did Mr Clement tell you about a meeting with the minister?

Dr Tang: I think at the end of the board meeting, he would just simply say: "I have news for you. The minister would like to see if you are still interested in seeing her. Do you have an available time to see her?"

Mr Hourigan: What expression was made by the board members about that proposition?

Dr Tang: We were agreed to that.

Mr Hourigan: Did Mr Clement indicate what the nature of the meeting would be with the minister?

Dr Tang: No. As I recall, not more than what I just said there.

Mr Hourigan: That's all he said about the meeting?

Dr Tang: As I recall, yes.

Mr Hourigan: Did anyone ask him why the minister wanted to meet with them now?

Dr Tang: No, no, I don't think so.

Mr Hourigan: So he simply indicated that the

minister had time and the board indicated that they would be willing to meet with her.

Dr Tang: Yes.

Mr Hourigan: There was no further discussion about why there hadn't been a meeting with the minister previous to that or what the discussions with the minister were going to be?

Dr Tang: No, no questions on that sort of thing.

Mr Hourigan: That was the only discussion you can recall at that specific meeting.

Dr Tang: Yes, I remember at the end of the meeting, almost like before he went home, almost standing up from his chair, almost standing to get away from his chair, as I recall. He sort of sat down and he said that.

Mr Hourigan: Prior to attendance at the June 17th meeting, did you or any of the other board directors contact either Bill Clement or anybody else at the Ministry of Housing to inquire about the nature of the meeting, what would be discussed at the meeting?

Dr Tang: No, we did not inquire about any meeting with the minister before that.

Mr Hourigan: You didn't make any inquiries to find out what the meeting was going to be about or what would be discussed.

Dr Tang: No, we did not.

Mr Hourigan: What did you understand was going to be discussed at the meeting?

Dr Tang: I understood that we would go there and present to the minister the problem as we saw it.

Mr Hourigan: When you say "the problem," what do you mean by "the problem"?

Dr Tang: Everything that she may have heard about Van Lang through the newspaper or by the cc that she received from Ms Sharron Pretty. We would like her to be aware of another side of the story.

Mr Hourigan: So it was your intention, then, to go to this meeting and present your side of the story with respect to the allegations made by Ms Pretty.

Dr Tang: Yes.

Mr Hourigan: And did those allegations include the charges under the Corporations Act that she had laid? Did you understand that that was going to be the subject matter of the discussion?

Dr Tang: No. It had never occurred to our mind at that time.

Mr Hourigan: When you say "our mind"—

Dr Tang: My mind, and the rest of the board, as I know of.

Mr Hourigan: All right. So you're telling me, then, that you understood that the meeting was going to deal with all of the other concerns expressed by Ms Pretty, but not the Corporations Act charges?

Dr Tang: Yes, that's correct. Because in our mind, it was just the long-standing problem at the board and we'd just like to let the minister know that we have tried to do our job the best we can, basically that; tell her our side of the story, in a nutshell that we have done our job; we're not just sitting there doing nothing.

Mr Hourigan: You told me you were served with a summons some time in early June. Do you know if you had a summons by the time this letter came on June ninth?

Dr Tang: I can't remember that.

Mr Hourigan: Do you know if you were aware of the charges when the invitation came from Mr Clement?

Dr Tang: I can't recall now.

Mr Hourigan: You can't recall.

Dr Tang: I can't recall that. I can't remember that.

Mr Hourigan: Prior to going into the meeting, is it your evidence that you didn't anticipate the charges would be brought up or discussed at all with the minister?

Dr Tang: No, we—that's—

Mr Hourigan: You're saying "we." I want your recollection.

Dr Tang: From my point of view.

Mr Hourigan: There was a board meeting held on June 15th, 1994. Is that correct? If I can be of assistance, if you could turn to tab 74 of the volume in front of you.

Dr Tang: Yes.

Mr Hourigan: What was the purpose of this meeting?

Dr Tang: "To discuss the summons received by board members and the meeting with the Minister of Housing, Mrs Evelyn Gigantes."

Mr Hourigan: All right. So the purpose of the meeting as you understood it—and this is your signature on the bottom of this—

Dr Tang: Yes.

Mr Hourigan: —was to discuss the charges and to discuss the meeting.

Dr Tang: Yes, to discuss the summons received by the board members, yes.

Mr Hourigan: Are you telling me, then, in your mind the charges and the meeting were completely distinct?

Dr Tang: Yes.

Mr Hourigan: All right.

Dr Tang: I think it's very unfortunate. Now I look at it I don't know why it's this way. It's just by coincidence, totally by coincidence. I can assure you that.

Mr Hourigan: Did you draft this document?

Dr Tang: No, I think it was drafted by the secretary.

Mr Hourigan: And that's Dr Truong.

Dr Tang: Yes.

Mr Hourigan: All right. Turn to tab 76. There's a letter here dated June 15th, 1994, from Sharron Pretty.

Dr Tang: Yes.

Mr Hourigan: And it's addressed to a Dr Vinh. Is that a letter to you, sir?

Dr Tang: Yes, it's a letter to me, yes.

Mr Hourigan: She's addressed it to you by your first name.

Dr Tang: Yes.

Mr Hourigan: And am I correct in stating that Ms

Pretty was indicating to you that she would not attend this meeting?

Dr Tang: Yes.

Mr Hourigan: And what was the basis for her refusing to attend?

Dr Tang: Well, I just know from the letter here, whatever.

Mr Hourigan: All right. What was your understanding, then?

Dr Tang: "I cannot attend your meeting with an agenda that deals only with alleged problems with me, when I have repeatedly requisitioned meetings to deal with core issues and with Can Le's dishonesty—and you still have not held that meeting."

Mr Hourigan: Was it your recollection, sir, that Ms Pretty had made repeated requests for such a meeting?

Dr Tang: Yes, she had made one, at least one. I recall that, yes.

Mr Hourigan: At least one?

Dr Tang: At least one.

Mr Hourigan: More than one?

Dr Tang: Possibly two times she requested a special meeting.

Mr Hourigan: Well, the phrase she uses is, "repeated requests," and is it your evidence, then, that you can only recall one or possibly two requests?

Dr Tang: Yes.

Mr Hourigan: The meeting took place, then, on the 15th?

Dr Tang: Yes—I don't really have a good recollection of this meeting at all, for some reason.

Mr Hourigan: All right. I'd ask you then to turn the tab. At tab 77, you'll see minutes of the meeting.

Dr Tang: Good, yes.

Mr Hourigan: And on the front of that document, there's an indication that you were in attendance at this meeting.

Dr Tang: Yes.

2100

Mr Hourigan: So you were in attendance; you recall.

Dr Tang: Yeah, yeah.

Mr Hourigan: If you look at the next page, under the heading number 2, "Court Summons," there's an indication that a number of people were served with summonses on June third, 1994, and they're listed.

Dr Tang: Yes.

Mr Hourigan: Is that your recollection now? Does that seem to be correct, that you were served on June third, 1994?

Dr Tang: Yes. I mean, I trust the minutes of the meeting right now.

Mr Hourigan: Okay. Now, if you'll turn to the next page, there's a reference on the bottom of the page to "Meeting with the Ministry of Housing."

Dr Tang: Yes.

Mr Hourigan: There's an indication under this

heading that the board received a briefing note for the minister prepared by Dr Can D. Le and approved it with some suggestions on its contents. "Dr Le undertook to revise this note for submission to the minister at the forthcoming meeting with her on June 17."

Dr Tang: Yes.

Mr Hourigan: What was the purpose of doing the briefing notes here, completing briefing notes before the meeting?

Dr Tang: This is just to organize our material to present to the minister.

Mr Hourigan: And it was Dr Le, then, who drafted the minutes?

Dr Tang: Yes.

Mr Hourigan: Or the briefing notes? Do you recall making any suggested changes to the briefing notes?

Dr Tang: Yes. Like before he prepared the briefing note, we may have discussed in this meeting here what we'd like to discuss with the minister, and after he finished the first draft, he passed the draft around to us, and we made any suggestions or comments on the draft, and then he would finalize it.

Mr Hourigan: Do you recall making any suggestions or changes to the briefing notes?

Dr Tang: Yes, some minor changes there.

Mr Hourigan: Can I ask you to look at tab 80 of the same volume? Are these the briefing notes that were referred to?

Dr Tang: Yes.

Mr Hourigan: And this is the final version of the notes, as far as you're aware?

Dr Tang: Yeah. I mean, it looks like this, yes.

Mr Hourigan: And they were signed by you?

Dr Tang: Yes.

Mr Hourigan: Did you review the notes thoroughly before they were finalized?

Dr Tang: Yes, I review the note if I sign it, yes.

Mr Hourigan: You attended, sir, at the meeting on June 17th with the minister?

Dr Tang: Yes.

Mr Hourigan: Where was the meeting held?

Dr Tang: At the location on Rideau Street. The ministry has an office there.

Mr Hourigan: Who do you recall being at the meeting?

Dr Tang: Mr Sutherland.

Mr Hourigan: Yes.

Dr Tang: And the Minister of Housing.

Mr Hourigan: Evelyn Gigantes.

Dr Tang: Yes, and two of her assistants.

Mr Hourigan: Did you know the assistants' names?

Dr Tang: Yes. One is Miss Moey, I think, and another one is Miss Bell.

Mr Hourigan: Beverlee Bell and Audrey Moey?

Dr Tang: Yes.

Mr Hourigan: Did you know these women before you went to the meeting?

Dr Tang: No. I'd never met them before.

Mr Hourigan: So you'd never had occasion to meet them before that?

Dr Tang: No.

Mr Hourigan: Who else was in attendance at the meeting?

Dr Tang: The board members, including Dr Can Le, Dr Truong, Mr Nguyen, Miss Sharron Pretty and I myself.

Mr Hourigan: Was it your understanding going into this meeting that Ms Pretty was to be in attendance at the meeting? Did you expect her to be there?

Dr Tang: I don't recall. I didn't just expect anybody there then.

Mr Hourigan: What I'm asking you, sir, is whether you thought this was a meeting for the board members excluding Ms Pretty or whether you assumed that Ms Pretty would be at that meeting.

Dr Tang: I don't think I assumed that Ms Pretty would be there.

Mr Hourigan: You didn't assume.

Dr Tang: No, no.

Mr Hourigan: Did it take you by surprise when you arrived and saw her there?

Dr Tang: I can't recall that.

Mr Hourigan: You can't recall. All right. What time did the meeting start?

Dr Tang: At noon time. I know it was lunchtime, 11 o'clock, 11:30, something like that.

Mr Hourigan: Okay, 11, 11:30. How long did it go?

Dr Tang: Roughly two hours or so.

Mr Hourigan: I just want to go back for a second. You indicated that there were four directors there plus Ms Pretty, so that's five directors. Mr Sutherland was there. Beverlee Bell was there. Audrey Moey was there. Do you recall anybody else being there?

Dr Tang: The minister herself.

Mr Hourigan: The minister herself. Okay. Sorry, I haven't been counting correctly. Did anyone get up and leave at any point in the meeting?

Dr Tang: No.

Mr Hourigan: Do you recall if everyone arrived on time for the meeting?

Dr Tang: When the meeting started everybody was there, yes.

Mr Hourigan: Did you take notes at the meeting?

Dr Tang: Yes.

Mr Hourigan: Are these your notes at tab 82?

Dr Tang: Yes, these are my notes.

Mr Hourigan: They appear to be made on a daybook of some sort.

Dr Tang: Yes, a date book, but it's an old calendar book.

Mr Hourigan: Okay. Were these notes made during

the meeting or were they made after?

Dr Tang: They were made during the meeting.

Mr Hourigan: Okay. The copy I have in front of me I can't read very well. Do you think you can assist me in reading the notes?

Dr Tang: Yes. The first line says, "compliance report," and the next line says, "turn over." The next one, "superintendent's power," and then there's an arrow—it says something like "what specific power, incompetent," and then an asterisk, "Two core issues have been replied by Housing staff."

Mr Hourigan: "Have been replied" is what you're saying?

Dr Tang: "Have been replied," as I see here, "by Housing staff." And then it says, "If anybody can do, Hieu can," regarding "project management," and then number 1. Then under that I say something like "racial" and then an arrow—it says "Sharron's letter." And then in the big circle it says, "accessibility, tenant participation." On the side, under number 2, it says "resolution, conciliatory," and in the circle with number 3 it says, the "board meeting time." And on the next page it says "communications to tenants."

Mr Hourigan: All right. All of these notes, I take it then, were made at the time of the meeting, including the one on the second page.

Dr Tang: Yes.

Mr Hourigan: I take it you weren't attempting to get down everything that was being discussed at this meeting.

Dr Tang: No.

Mr Hourigan: What was your intention when you were making the notes?

Dr Tang: As a memory jogger, so some of the things I wrote down here I may have not use it in the meeting.

Mr Hourigan: Let's be clear about this. Are these notes of things that were said at the meeting or do they also contain notes of things that you wanted to say or you were using as a memory jog?

Dr Tang: Yes, two things.

Mr Hourigan: All right, so they're both.

Dr Tang: They're both, yes.

Mr Hourigan: Okay. Looking at it today, can you tell me which of these were notes of matters that were raised and discussed at the meeting and which were notes that you were just using to jog your memory?

Dr Tang: The "compliance report" I can't remember exactly if it was a memory jogger or was discussed, but the "turn over"—

Mr Hourigan: What did that relate to, sir?

Dr Tang: That we were discussing about the concern that the staff turnover is quite often.

Mr Hourigan: Do you recall that being discussed at the meeting?

Dr Tang: Yes. And "superintendent's power" has also been discussed at the meeting. "What specific power"—I raised that question at the meeting.

Mr Hourigan: You did raise that question?

Dr Tang: Yes, I raised that question at the meeting. Regarding the competency of the superintendent I also raised at the meeting as one of Sharron's concerns.

Mr Hourigan: So that was discussed as well.

Dr Tang: Yes.

Mr Hourigan: The next entry.

Dr Tang: Says, "Two core issues have been replied by Housing staff." This is just to jog my memory.

2110

Mr Hourigan: So do you recall whether the two core issues having been replied to by the Housing staff was discussed or not?

Dr Tang: The two core issues have been discussed, but this particular line, when I wrote it down, I wrote it as a memory jogger.

Mr Hourigan: Okay. Now the next reference.

Dr Tang: "If anybody can do it, Hieu can."

Mr Hourigan: What does that mean?

Dr Tang: This again is a memory jogger. When we were discussing about the project management, I just jotted it down so that it would remind me, maybe if there's opportunity, I will say that I have full trust in Dr Hieu Truong's capabilities in management.

Mr Hourigan: So it's your recollection then that project management was discussed at the meeting?

Dr Tang: Yes, project management, there was some discussion on that.

Mr Hourigan: Okay. And the next entry?

Dr Tang: It says "racial" and an arrow says "Sharron's letter." This is a memory jogger again. But at the end of the meeting, I did say something about Sharron's letter.

Mr Hourigan: Which letter are you referring to here?

Dr Tang: I can't remember the letter, but I remember the cc, the two non-Vietnamese tenants. And then my comment to Sharron at the very end of the meeting was: "In future, if I was you, I would not cc to a selective group of tenants. It would cause conflict and friction among the tenants."

Mr Hourigan: Okay. The next references are to "accessibility" and "tenant participation."

Dr Tang: This is at the end of the meeting.

Mr Hourigan: I don't want to get into the detail at this point of what was discussed about it, but that was raised at the meeting, those two issues?

Dr Tang: Yes, these two issues were raised at the meeting.

Mr Hourigan: And the other reference to the side here?

Dr Tang: "Resolution, conciliatory."

Mr Hourigan: What does that refer to?

Dr Tang: That they were conciliatory. It's just my assessment of what had been said. I might have heard—actually, I look at the words myself, I can't remember who said what.

Mr Hourigan: Do you know if either of these words—or specifically "conciliatory," whether that word was

mentioned in the meeting?

Dr Tang: I can't recall that, no.

Mr Hourigan: The next reference is to "board meeting time."

Dr Tang: Yes. That's about we would set up—I mean, that's been discussed.

Mr Hourigan: I'm sorry?

Dr Tang: That is the item that had been discussed at the board.

Mr Hourigan: About a future board meeting?

Dr Tang: Yes.

Mr Hourigan: And then the reference on the other page, under Saturday?

Dr Tang: I wrote it for—I can't recall that. I maybe wrote it for myself. I have to communicate what had been said to the tenants.

Mr Hourigan: Okay. I'd like to take you back to the beginning of the meeting, and you can indicate to me how you recall the meeting opening. The meeting began. Everyone showed up on time and sat down, and what happened?

Dr Tang: I make some opening remarks and then we start to discuss after that.

Mr Hourigan: You made some opening remarks yourself?

Dr Tang: Yes.

Mr Hourigan: What was the nature of those opening remarks?

Dr Tang: I think at the time I talked to you, I remember better. I can't remember now.

Mr Hourigan: I'm sorry, you talked to Hieu?

Dr Tang: At the time I have interview with you, I think I recall the nature better. I basically just told the minister that it was a long-standing problem. I think I said, "We're sorry that your name has been put in the paper in a bad light; we're sorry about that." But then she said, never mind, being a politician, she had been called worse than that, been subjected to worse treatment than that, she said.

Interjection: Little did she know.

Dr Tang: And I was saying, "Basically, we're here to let you aware of our side of the stories and then listen to your advice."

Mr Hourigan: But at that meeting, Ms Pretty was in attendance too.

Dr Tang: Yes.

Mr Hourigan: So was it your intention at that meeting to give your side of the story?

Dr Tang: Yes.

Mr Hourigan: Alone? Was it also your intention to allow Ms Pretty to present her side of the story to the minister?

Dr Tang: I think it's more just our side of the story, because after all the letters she had received from Miss Pretty herself and from what she read from the paper, we think it is our turn to speak up.

Mr Hourigan: All right. Was there an agenda for the

meeting, an agenda handed out?

Dr Tang: No, there was no—

Mr Hourigan: Were the briefing notes that we reviewed earlier provided to the minister?

Dr Tang: Yes, at the end of the meeting I handed it to the minister.

Mr Hourigan: So the meeting didn't follow any written guide as to the topics to be discussed. There was no agenda; you didn't follow the briefing notes.

Dr Tang: I attempted to follow the briefing note at the beginning, but after one or two items, we started to discuss—the discussion jumped all over the place.

Mr Hourigan: Were you chairing this meeting?

Dr Tang: No, I was not chairing the meeting.

Mr Hourigan: Who was chairing the meeting? Who was in charge of the meeting?

Dr Tang: I assume the minister.

Mr Hourigan: The minister.

Dr Tang: Yes.

Mr Hourigan: Okay. Can you give me, to the best of your recollection, the issues that were discussed at the meeting? You start with your opening remarks, and then I take it there were some issues that were raised and discussed.

Dr Tang: Yes.

Mr Hourigan: Can you take me through, to the best of your recollection today, what was raised and what was discussed at the meeting?

Dr Tang: I think the first thing was the minister was saying something about the concern Sharron raised regarding—not that Sharron raised, but she said somewhat the concern about the Van Lang operation, such as the turnover of the staff so often and the superintendent's competency was in question.

Mr Hourigan: All right, so you're telling me that the first issue discussed was staff turnover and that also discussed was allegations about the superintendent's incompetency.

Dr Tang: Yes, that's from my notes.

Mr Hourigan: Do you have any independent recollection other than from the notes?

Dr Tang: I cannot remember that, no.

Mr Hourigan: Do you recall at all how long these discussions lasted on each of the topics?

Dr Tang: This lasted for quite a while, at least half an hour or so, I think. I think when the minister stopped expressing her concerns about some of the points she raised—it was not her own concern, but she said Sharron had raised that with her. Then I think I jumped in and asked her a question like: "Yes, I understood. Sharron used to say the superintendent has so much power, but we cannot deal with the issue in that manner, when you talk generalities like that." So I would ask her to give me specific points so we can deal with it. And the minister then said, as I recall: "Sharron, there's a question put to you, but you don't have to answer that." I do remember that. "You don't have to answer that."

Mr Hourigan: What question was that, that was put to Sharron?

Dr Tang: What specific power does the superintendent have?

Mr Hourigan: And the minister advised Sharron that she didn't have to answer the question.

Dr Tang: Yes, the minister advised that. She repeated it a couple of times, I remember.

Mr Hourigan: She repeated it at that point, or more than one occasion she made that point?

Dr Tang: More than one occasion, and at that point she repeated it twice, as I recall.

Mr Hourigan: How long did the meeting go, do you recall?

Dr Tang: About two hours or something, overall.

Mr Hourigan: So in the beginning of the meeting, after your introductory remarks, you recall that there was discussion about the superintendent and there was discussion about staff turnover. Do you recall discussion of any other issues at the meeting?

Dr Tang: Project management, as I said.

Mr Hourigan: And what was the nature of that discussion?

Dr Tang: I think Mr Sutherland suggested that we should have a strong property manager at the centre.

Mr Hourigan: What else was discussed at the meeting that you can recall? Those three topics were discussed. Do you have any recollection of any other topics being discussed at the meeting?

Dr Tang: And the two core issues, the minister asked Sharron if that was her main concerns.

Mr Hourigan: The minister asked Sharron Pretty about her main concerns?

Dr Tang: Yes.

Mr Hourigan: And what was Ms Pretty's response to that?

Dr Tang: She confirmed that tenant accessibility and tenant participation is her main concerns.

Mr Hourigan: And was there discussion at that point about these two core issues?

Dr Tang: No, I don't think there was much discussion.

Mr Hourigan: You don't think there was any discussion?

Dr Tang: No, I don't recall that.

Mr Hourigan: Okay. What else was discussed at the meeting, do you recall?

Dr Tang: No, I can't recall.

2120

Mr Hourigan: Those are the only topics you remember being discussed?

Dr Tang: Yes, I think so.

Mr Hourigan: Do you recall any discussion about the pending motion to remove Sharron Pretty from the board of directors?

Dr Tang: No, I don't recall that.

Mr Hourigan: You're telling me that there was no discussion by the minister or by anybody at this meeting about the removal of Sharron Pretty from the board.

Dr Tang: No, I don't remember anybody discuss the removal of Sharron Pretty in this meeting.

Mr Hourigan: And the upcoming meeting of June 19th was not discussed?

Dr Tang: What—

Mr Hourigan: There was a meeting called for June 19th, and that meeting was to deal with the removal of Sharron Pretty as a director. And is it your evidence to the committee that there was no discussion of the removal of Sharron Pretty or the upcoming meeting where this issue was to be dealt with?

Dr Tang: No, it was not discussed, no. But in the context that the minister tried to reconcile both sides, as I assume, so she would put forward a proposal.

Mr Hourigan: What was the nature of that proposal?

Dr Tang: The proposal is that she asked Sharron, first, is that her real concern.

Mr Hourigan: Is what her real concern?

Dr Tang: Is her real concern the tenant accessibility and the tenant participation, and Sharron said yes. And the minister would say: "So if your concerns be addressed to your satisfaction, then you would not pursue anything else. Is that the case?"—something of that nature.

Mr Hourigan: What did you understand she meant when she said "pursue anything else"?

Dr Tang: Well, I understood, just in my thoughts, in my mind, that Sharron would not ask for more information, to dig into others, pursue whatever, you know. Over the year that's what she tried to do, and maybe it would involve the court case as well. It was in my thoughts, now.

Mr Hourigan: Let's be clear here. When the minister mentioned to Ms Pretty if she was satisfied with the two core issues, and she indicated would that be it and they could resolve things, that she could resolve her difficulties with the board, when the minister said "resolve things," to your mind that meant what?

Dr Tang: To my mind, it meant we would go back to normal before, because I remember that another thing she said is, "Look to the future and forget about the past," that to resolve things you had to look to the future. So to my mind, we would go back to work together again.

Mr Hourigan: And what did you understand that to mean, back to before?

Dr Tang: That would mean, you know, no more court case, no more removing her from the board.

Mr Hourigan: So it was your understanding from what the minister said that if Ms Pretty was satisfied about these two core issues, she would not pursue the court case and you, in turn—

Dr Tang: That's my assumption.

Mr Hourigan: Okay. Let me finish. She would not pursue the court case and you, in turn, would not pursue her removal from the board.

Dr Tang: No, it's not that way. That's—

Mr Hourigan: Well, you explain to me, then, what you thought.

Dr Tang: What I see from that meeting is that there's just no give and take verbally, so there's no negotiation, in my mind. Nobody said, "You do this for us and we will do that for you." None of that happened. What happened was one proposal out of there, which all parties believe, which would reconcile the differences.

Mr Hourigan: Okay. You understood that a proposal was put forward by the minister to reconcile all the differences.

Dr Tang: Yes.

Mr Hourigan: What were the differences, as you understood them? What was going to happen as a result of this?

Dr Tang: The conflict between the rest of the board and Sharron Pretty.

Mr Hourigan: Yes?

Dr Tang: The longstanding problem there. "If you do this, you may solve all of that problem." That was one of the options offered by the minister, as I understood it.

Mr Hourigan: Okay, let's be clear: A proposal was put forward that if Ms Pretty was satisfied with respect to the two core issues, then the result would be that the board could reach a goal where they were working together, as you said, like before.

Dr Tang: Mm-hmm.

Mr Hourigan: What I want to know from you is what that meant to you. Did it mean specifically that the charges would not be pursued? Did it mean that you would not pursue the motion to remove her as a director?

Dr Tang: Yes, that meant to me in my mind.

Mr Hourigan: Okay.

Dr Tang: But it was not as a bargaining. I want to make it clear to you.

Mr Hourigan: Okay, that's fine, but I'm not asking that. I'm asking what it meant to you as you were sitting there in that meeting.

Dr Tang: It meant to me, like I said, in that proposal there's three things in that. You see, "If you take this option, you reconcile your differences."

Mr Hourigan: Yes, and what are the three things in that proposal?

Dr Tang: That involved not pursuing the court case. I mean, that's as a byproduct, okay? "If you follow this route, one byproduct is, you would not have a court case, you would not have a removal of Sharron Pretty and you would solve your own two major concerns."

Mr Hourigan: Being tenant access and—

Dr Tang: Right, and the tenant participation.

Mr Hourigan: All right. Was there discussion at that meeting of the Corporations Act charges?

Dr Tang: Pardon me?

Mr Hourigan: Was there discussion at that meeting of the Corporations Act charges?

Dr Tang: No, there was no discussion of the Corporations Act charges.

ations Act charges.

Mr Hourigan: The charges were never discussed at all at the meeting? Is that what you're saying? Are you saying that they were never discussed or you don't recall discussion about them?

Dr Tang: I remember that it was never discussed, from my recollection.

Mr Hourigan: Okay, let's be clear: Are you saying specifically they were not discussed or that you can't recall if they were discussed?

Dr Tang: From my memory, they were not discussed.

Mr Hourigan: I'm still not clear. Are you saying, from your memory you don't remember them being discussed?

Dr Tang: Right.

Mr Hourigan: You can't say one way or another whether they were discussed or are you saying they were not discussed?

Dr Tang: They were not discussed, based on my memory, yes.

Mr Hourigan: When you reached the conclusion in your mind that a solution to Ms Pretty's two core issues would include not pursuing the court case, what did you base that on?

Dr Tang: I based that on, you know, statements such as: "Forget about the past. To solve this issue, you have to look to the future." That's one thing, and another thing is, "If this is the only concern that Sharron Pretty has, we've finally nailed down this is the only concern, so if we resolve that, it means she has no more concerns, based on the understanding that's there."

Mr Hourigan: All right. So then it's your evidence to the committee that the Corporations Act charges that had been laid were not discussed at all.

Dr Tang: No, not discussed at all.

Mr Hourigan: Do you recall one way or the other whether the phrase "drop the charges" was ever used?

Dr Tang: No, I never recall that at all.

Mr Hourigan: You don't recall one way or another, or you don't recall it being used?

Dr Tang: I don't recall it being used.

Mr Hourigan: What about the term "withdraw the charges" or anything similar to that?

Dr Tang: I don't recall that being used.

Mr Hourigan: Do you recall the phrase "crown" or "crown prosecutor" being used, or "prosecutor"?

Dr Tang: Yes, Sharron Pretty used that term.

Mr Hourigan: When did she use that phrase?

Dr Tang: I can't remember exactly. I can't remember the context in which she used it, but she did say something about the case "now in the hands of the crown" or something like that.

Mr Hourigan: All right. Now, you just told me a few minutes ago that you didn't remember any discussion about the case. Are you telling me now, sir, that there was discussion of the case?

Dr Tang: No, I didn't say there was a discussion of

the case. I said there was a statement made by Sharron Pretty. She said that thing; I remember that. She said something about the crown, "in the hands of the crown," but there was no discussion on that matter that I recall.

Mr Hourigan: Okay, but the issue clearly then was raised, sir, because she said that the case was in the hands of the crown.

Dr Tang: She did say that; I remember that, yes.
2130

Mr Hourigan: All right. So then isn't it your evidence that that was discussed at the meeting, at least by Sharron Pretty?

Dr Tang: Okay, maybe we—like I said at the beginning, if you mean discuss in terms of give and take, a little different from that—

Mr Hourigan: No, no, I'm not saying give and take; I'm saying, was the topic mentioned?

Dr Tang: It was mentioned, like I said. Okay, that one has been mentioned, yes.

Mr Hourigan: All right. Who else mentioned the charges, the Corporations Act charges?

Dr Tang: Nobody else has mentioned that statement, as I recall.

Mr Hourigan: So Sharron Pretty said in the meeting that the Corporations Act charges were in the hands of the crown.

Dr Tang: Yes, something of that nature.

Mr Hourigan: Something of that nature. And did she say that in response to anyone?

Dr Tang: I can't just recall the context in which it was put.

Mr Hourigan: So you don't know one way or another whether there was further discussion about the charges, further mention of the charges?

Dr Tang: I cannot remember who said what, but I can sort of have a better memory of what is important being discussed—

Mr Hourigan: All right.

Dr Tang: —and I don't think we have discussed the charges. I can say that.

Mr Hourigan: You don't think you discussed the charges.

Dr Tang: Yes.

Mr Hourigan: All right. But you did tell me that Sharron Pretty mentioned the fact that the charges were in the hands of the crown prosecutor.

Dr Tang: Right, yes.

Mr Hourigan: All right. You don't remember the context of when that statement was made.

Dr Tang: Yes.

Mr Hourigan: So I'm submitting to you, sir, that you don't recall one way or the other whether there was a discussion about it. You know that it was mentioned by one person, but you don't know if anybody else discussed it or mentioned it.

Dr Tang: Well, it may be fair to say that another way of looking at that is maybe the surrounding argument was

too trivial that I can't remember that. And as I said—

Mr Hourigan: It was too trivial?

Dr Tang: Yes. The surrounding of that maybe is trivial, that I could not remember that. What I mean is, we had not discussed the court case; we had not discussed the charges.

Mr Hourigan: I think we're getting hung up here on the semantics of the word—

Dr Tang: Okay.

Mr Hourigan: You are saying "discuss" as in going back and forth in negotiation.

Dr Tang: Yes, yes.

Mr Hourigan: When I say discuss, I mean "mention." Was the issue mentioned at the meeting?

Dr Tang: It was mentioned one time, from my recollection.

Mr Hourigan: And when was that?

Dr Tang: That was by Sharron Pretty.

Mr Hourigan: Do you recall anybody else mentioning it?

Dr Tang: No, I don't recall anybody else mentioning that.

Mr Hourigan: Do you recall the context of when it was mentioned?

Dr Tang: No, I don't recall the context that it was mentioned in.

Mr Hourigan: I'm submitting to you, sir, that Ms Pretty would not make that statement out of the blue. Is that fair?

Dr Tang: That's fair, yes.

Mr Hourigan: So is it your evidence then that there's a possibility that other people were discussing this issue with Ms Pretty at the time?

Dr Tang: You make whatever interpretation you want to make, I guess—

Mr Hourigan: No, no. I'm asking you whether you can tell me definitively that there was no other discussion or mention of the charges.

Dr Tang: I already answered that question, and the answer is yes. I only heard that term mentioned once, by Ms Pretty and by nobody else.

Mr Hourigan: All right. I just want to be clear on your evidence.

Was there discussion at that meeting of a future meeting?

Dr Tang: Yes.

Mr Hourigan: All right. Can you tell me about that?

Dr Tang: We would meet together to address Sharron Pretty's two core issues, which are the tenant participation and the tenant accessibility.

Mr Hourigan: Who would meet, sir?

Dr Tang: Pardon me?

Mr Hourigan: Who was going to meet?

Dr Tang: The board.

Mr Hourigan: The board. And when was that meeting to be held?

Dr Tang: We did not set the date. We were supposed to go home and Sharron was supposed to provide Dr Hieu Truong with the dates.

Mr Hourigan: Did Ms Pretty agree to a further meeting?

Dr Tang: Yes, I think she's agreed to that.

Mr Hourigan: What did you expect the result of that meeting to be if Ms Pretty's concerns about the two core issues were satisfied?

Dr Tang: I expect that when she's satisfied she would not pursue, whatever, her own agenda any further, and also would not pursue the court case.

Mr Hourigan: What about the removal of Ms Pretty as a director?

Dr Tang: And I would expect that we would not remove her from the board; we would not decide on her status on the board.

Mr Hourigan: This meeting was held on June 17. You had another meeting scheduled two days later, for June 19.

Dr Tang: Yes.

Mr Hourigan: What did you decide about that meeting? Was it to go ahead?

Dr Tang: I don't recall. Which—

Mr Hourigan: There was a meeting scheduled for June 19th.

Dr Tang: You mean the meeting that you showed me earlier about the resolution to remove Sharron Pretty?

Mr Hourigan: That's right.

Dr Tang: Yes. That was not held.

Mr Hourigan: Okay, that was not held. Was there an agreement in the June 17th meeting with the minister that that meeting was not to be held?

Dr Tang: I don't know if that's—I'd be careful just because, as I said, the meetings just offer options, and we, all party, agree to that options.

Mr Hourigan: Okay. She offered—you've only told me about one option. Are you saying that she offered more options?

Dr Tang: No, no, just one option.

Mr Hourigan: So, singular: one option.

Dr Tang: Yes.

Mr Hourigan: All right. And I'm asking you: There was a meeting scheduled for two days in the future to deal with the removal of Ms Pretty.

Dr Tang: Mm-hmm. Yes.

Mr Hourigan: And you're telling me that that meeting didn't go ahead.

Dr Tang: No.

Mr Hourigan: Okay. And I'm asking you, was there an agreement reached at the June 17th meeting that that meeting was not to be held?

Dr Tang: No, not an agreement as such, no.

Mr Hourigan: Who made the decision not to hold the meeting?

Dr Tang: No, the understanding that, you know,

when we get out of this meeting—

Mr Hourigan: Yes?

Dr Tang: —the June 16th, the agreement was—

Mr Hourigan: Sorry. It was the June 17th meeting?

Dr Tang: June 17th; yes, sorry. Yes. When we get out of this meeting, the understanding, the agreement, was that we would meet to discuss with Sharron her two core issues.

Mr Hourigan: All right.

Dr Tang: So by that I assume that, you know, there is no need for the board meeting then.

Mr Hourigan: It was your assumption, then, that there was no need for a board meeting.

Dr Tang: Yeah, yeah. I assume that everybody understood the same way.

Mr Hourigan: All right. I'm going to ask you to look at something that we've marked as exhibit 6, which is a transcript of a telephone conversation between Ms Pretty and yourself dated June 19th, 1994. Do you have the transcript in front of you?

Dr Tang: Yes, I have it.

Mr Hourigan: All right. Have you had an opportunity, sir, to review this transcript? I provided a copy to your counsel earlier today.

Dr Tang: Yes, I had a chance to look at it.

Mr Hourigan: All right. To your mind, is this an accurate—first of all, let me ask you: Did you have a telephone discussion with Ms Pretty on June 19th?

Dr Tang: I can't remember the date, but this conversation here, I think I had.

Mr Hourigan: You had this conversation.

Dr Tang: Yes, yes.

Mr Hourigan: And you don't know what day it was held on?

Dr Tang: I can't remember the—oh, excuse me. The date that we're supposed to have the board meeting, yes.

Mr Hourigan: And what date was that?

Dr Tang: At June 19, here.

Mr Hourigan: All right. Is this an accurate reflection of the conversation you had with Ms Pretty?

Dr Tang: In the general tone. I mean, I cannot testify to every word that is in here. I can't remember every word, but—

Mr Hourigan: Is there anything specifically in here that you're looking at that you think wasn't said at that meeting?

Dr Tang: Yes, one specifically.

Mr Hourigan: What is that?

Dr Tang: The term that I said, I thought I mentioned quite a few times, which was, "in the spirit of reconciliation."

Mr Hourigan: Yes?

Dr Tang: And I told my counsel that.

Mr Hourigan: Right.

Dr Tang: But when I look through here, I try to search for it, I only found one.

Mr Hourigan: You found it once.

Dr Tang: But I think I said more than once.

Mr Hourigan: All right. But other than that, is there anything else in the transcript that you have a problem with in terms of its accuracy?

Dr Tang: Other than that—I mean, I just take a look at it for 20 minutes or so.

Mr Hourigan: Would you like more time to look at it?

Dr Tang: Well, even if I have a few days or few months to look at it, I would not be able to know, you know, exactly if I say every word in here is correct.

Mr Hourigan: All right.

Dr Tang: But I can say that overall it looks like it's a reflection of what I was saying at the time, yes.

Mr Hourigan: Okay. I'd like to review the first three pages of this transcript with you, sir.

Dr Tang: Yes.

Mr Hourigan: The conversation begins with you saying, "Hello." Sharron Pretty says, "Is that Dr Vinh?" You say, "Pardon me?" She says, "Dr Vinh?" "Yes." Sharron Pretty: "Yeah, it's Sharron Pretty calling." You say: "Oh hi. How are you Sharron?" Sharron Pretty's response: "Not too bad. Um I was just wondering what was the status on this meeting today."

Dr Tang: Mm-hmm.

Mr Hourigan: All right. Stopping there, does that help your recollection that this call was on the 19th?

Dr Tang: Yes, yes.

Mr Hourigan: All right. Your response: "Well I thought we—we agreed not to meet today, right?"

Dr Tang: Yes.

2140

Mr Hourigan: Ms Pretty's response, "I-I understood that, but I'm just confirming it."

Dr Tang: Yes.

Mr Hourigan: Your response: "Yeah, yeah, yeah, okay. So, you know, I understand it that you also agree, you know, to take a compromising route, and would not pursue the case and we would postpone this meeting. So that's, I think we do accordingly, I guess."

Dr Tang: Yes.

Mr Hourigan: Is that a correct statement?

Dr Tang: Yes, that's a correct statement.

Mr Hourigan: When you said "not pursue the case," what did you mean by that?

Dr Tang: I mean to say, my understanding was she would not pursue the court case.

Mr Hourigan: And when you said "we would postpone this meeting," what did you mean by that?

Dr Tang: The meeting to decide the status of her membership as a board member.

Mr Hourigan: I'm suggesting to you, sir, that there was an agreement reached, that it was your understanding that there was an agreement reached at that meeting—

Dr Tang: Yes.

Mr Hourigan: —that she would not pursue her case and you would postpone the meeting to remove her. Is that right?

Dr Tang: Yes, just whatever I say here. I—

Mr Hourigan: So you agree with me that there was an agreement to that in your mind at that June 17th meeting?

Dr Tang: An agreement. It was not an agreement between—I try to be the—

Mr Hourigan: Do you call it an agreement or an understanding?

Dr Tang: Yes. I would call it an understanding, yes.

Mr Hourigan: And what was the understanding, sir?

Dr Tang: Because an agreement is not like we discussed with her. We throw the thing back and forth, like I said: “Would you do that and I will do this for you? Okay, let’s agree. I will drop this and you drop that.” It’s not now happened that way.

Mr Hourigan: All right.

Dr Tang: Okay? It’s a proposal and everybody looked—it looked good—agreed to it.

Mr Hourigan: And do you—

Dr Tang: In that sense, then I say yes.

Mr Hourigan: Without getting into the issue of whether there was any back and forth, it was your understanding of that meeting that there was an understanding or an agreement between the board members and Ms Pretty—

Dr Tang: Yes.

Mr Hourigan: —that provided that she would not pursue her case, you would not pursue the meeting to have her removed as a director?

Dr Tang: No, it’s not providing that she not pursue the case. It’s not a condition.

Mr Hourigan: It’s not a condition?

Dr Tang: No.

Mr Hourigan: So you were willing to postpone the meeting—

Dr Tang: Yes, in any case.

Mr Hourigan: In any case?

Dr Tang: Yes, and it shows in this transcript as well.

Mr Hourigan: Okay.

Dr Tang: It shows in this transcript.

Mr Hourigan: So you’re telling me then that if Ms Pretty continued with her court case, it’s your evidence to this committee that that would have been fine with you and she could have remained on the board?

Dr Tang: No, I didn’t say that.

Mr Hourigan: Okay, what are you saying?

Dr Tang: I say even if she continued with the court case—

Mr Hourigan: Yes?

Dr Tang: —we would meet with her and try to resolve the differences, as I said in the transcript here.

Mr Hourigan: Yes?

Dr Tang: And the meeting that we were supposed to

have on June 19th would be postponed, but we don’t know what we are going to do on that yet.

Mr Hourigan: Right. If you held this further meeting and if her concerns were dealt with—

Dr Tang: Yes.

Mr Hourigan: —and she was satisfied with them but she still wished to continue with her court case, are you telling me today, sir, that you would not have proceeded to have her removed from the board?

Dr Tang: We never thought of that option, but I can tell you that the decision that we should or should not remove her from the board, the decision for the meeting of June 19th, has nothing to do with the court case.

Mr Hourigan: Nothing to do with it at all?

Dr Tang: Nothing to do with it at all, whatsoever.

Mr Hourigan: If you read this sentence again, “So, you know, I understand it that you also agree, you know, to take a compromising route, and would not pursue the case and we would postpone this meeting.” That suggests to me, sir, that there was an agreement and there was an understanding, and one was conditional on the other. Is it your evidence that that’s not the case?

Dr Tang: No, no. I said we will postpone this meeting. I said that we postpone this meeting. My understanding from the June 17th meeting is that we would postpone the Sunday meeting.

Mr Hourigan: This proposal is the proposal that came from the minister. Is that correct? The proposal that we’re discussing is the proposal that came from the minister?

Dr Tang: Yes, from my understanding in this context, my understanding of what I heard in the meeting, yes.

Mr Hourigan: Let’s just be clear again on what your understanding was from the meeting. Can you tell me what it was? I confess I’m not understanding what you’re—

Dr Tang: Okay. What I understood was, the minister was asking Sharron whether the two issues were her core issues, her main concerns. Then the minister also asked her, “If this is your main concern, then when it’s been dealt with, when it’s been resolved to your satisfaction, then you would not pursue it further.”

Mr Hourigan: Pursue what further?

Dr Tang: Present the case. I can’t remember the exact words of the minister, but that’s—

Mr Hourigan: What did you understand the minister to mean when she said “pursue further”?

Dr Tang: Out of that meeting, what I understood, as I already mentioned to you, is that we will meet together to try to resolve the two concerns that Sharron Pretty has, and if she’s satisfied with that, she would not pursue her court case.

Mr Hourigan: Right.

Dr Tang: That’s how I understood.

Mr Hourigan: It was your understanding then, if you could meet and in the future resolve her concerns, she would drop the case. Is that your understanding?

Dr Tang: My understanding from that proposal there.

Mr Hourigan: Is that your understanding of what the minister said to you?

Dr Tang: That's what I understood from the proposal as I come out of meeting, yes.

Mr Hourigan: All right. Let's continue on with the transcript.

Sharron says in response to that statement: "Well, I was under the understanding that the meeting was—you were supposed to suspend this attempt to oust me from the board. The rest of it is up for debate. I haven't agreed to anything."

Your response: "Well, well, well, I—I don't know about that too well."

What did you mean by that statement?

Dr Tang: She said, "You were supposed to suspend this attempt to oust me from the board." See?

Mr Hourigan: Yes.

Dr Tang: So that's what I told her. I said, "Well, again, we didn't." I don't think that we do any trading with her at all, whatsoever.

Mr Hourigan: But I want to know, sir, what you mean by "I don't know about that too well." It appears to me that you're disagreeing with something she's saying.

Dr Tang: Yes. I disagree with she's saying that we were supposed to suspend this attempt to oust her from the board.

Mr Hourigan: And that wasn't your understanding?

Dr Tang: No.

Mr Hourigan: Was it your understanding that meeting was going to go ahead that day?

Dr Tang: No, no.

Mr Hourigan: Your evidence—

Dr Tang: I'm sorry. Maybe I misunderstood something here. I may have misunderstood her at that time there, you know, to mean the trading there, sir. As I tried to say, when I say I don't know that we should, I thought she meant we would trade her agreement to the meeting for not meeting of the board or something. So that's where I say I don't know about that or something.

Mr Hourigan: All right. Moving on: "Well if you'd like to go ahead with the meeting this afternoon, I'm sure the press would be interested."

Your response: "What do you mean? No, no, no, I don't want—I'm not worrying about that."

Her response: "Uh-huh."

Your response: "I'm not worrying about that. You know—I, I, I..."

Her response: "Well they've been phoning me this morning and wondering if there was going to be a meeting, and I said I'd phone you and find out for sure. And, you know..."

Your response is: "...me firm understanding. I mean I have to do according to the last time—the official time that we met."

Her response: "Uh-huh."

Your response: "Which was last time at..."

Her response: "On Friday."

Your response: "The meeting on Friday."

Ms Pretty says: "Uh-huh."

And then you say: "On Friday with the minister. And then from my understanding of that meeting—okay—is that when the minister asked if you agree to the compromising proposal that she put forward, and I can see clearly I remember that you said 'yes.'" What did you mean then by "the compromising proposal"?

Dr Tang: I say "compromising," and I use the word, I think it's loosely. We're talking over a conversation over the phone, and I sort of corrected myself. I called it a proposal instead of a compromising thing.

Mr Hourigan: Ms Pretty states: "I said that I would have...I said that I would—that I would meet you. I would meet with you and discuss it but we hadn't decided when—what time."

Your response: "I believe you said 'yes' both sides said 'yes.' But in any case, I would just go with according to my understanding of that meeting."

There's a portion of the transcript that isn't transcribed because there's a message that appears to go over it.

And then the next portion of your discussion is: "...and the court case I mean we agreed not to meet this Sunday. You know that's my understanding of the meeting, and I would go with that first. And also, another understanding at that meeting is—is that we—you, actually, would give us the the date—the available date for you, very soon, so that we can meet and talk about the two core issues. Number one, tenant participation."

Her response: "Yes."

Your response: "Number two is tenant admission."

Her response: "That's what I agreed to."

2150

Mr Callahan: Can we find out whether or not he agrees to that up to this point?

Mr Hourigan: That's fine. Is there anything inaccurate in this?

Dr Tang: No, I think it's near it. I agree to that.

Mr Phillip Hunt: If I may, Mr Chair, I don't know if a great deal would turn on it, and I don't think Mr Hourigan would have done this intentionally, but in reading passages to the witness, Mr Hourigan tended to omit the pauses, or if I can call them, they often appear as "ah" in the transcript. Perhaps it's sort of awkward to read it that way. But I note the witness, in answering the question—

The Chair: You mean it's like a "yes" then.

Mr Hunt: No. The concern I had specifically was in the middle of page 2. There's the passage that reads: "On Friday with the minister. And then from my understanding of that meeting—okay—is that ah when the minister asked you if you agree to the compromising ah proposal..." The witness later indicated something to the effect that he had corrected his reference. I know that the statements as Mr Hourigan is reading them are being recorded in Hansard, and I only wanted to draw to the attention of the inquiry at this juncture, since the witness is being asked if the transcript to this juncture is accurate, that the transcript does differ in a minor way from the

manner in which it was read on to the record.

Mr Hourigan: If I did that, it was unintentional. Looking at that paragraph that you referred me to, starting with "On Friday with the minister," I don't see the word "ah" used anywhere. I do see slashes around the word "okay."

Mr Hunt: It's in the third line, between the words "compromising" and "proposal."

Mr Hourigan: Okay, sorry. Well, it's not, actually, on my transcript. So if I did that, it was unintentional and I apologize.

If we turn the next page, leaving off where we were, Ms Pretty said, "That's what I agreed to."

Your response was, "Yeah, yeah."

Ms Pretty states: "A meeting to discuss those issues...I did not agree to dropping all court cases and everything else. As a matter of fact I can remember distinctly saying I'm not—I'm not going to make any decisions right now. I want to think about it. And I—I know I said that. So, you know..."

Your response: "Well I remember you said that sentence as well, but you also said 'yes' to the compromise, you said 'well, okay, yes.' You agreed to that."

In that response, sir, you say, "Well I remember you said that sentence...." What did you mean by "that sentence"?

Mr Paul Johnson: A point of order.

Dr Tang: "I'm not going to make any decisions right now." That one.

Mr Hourigan: Okay, I apologize. I was reading from an earlier transcript.

The Chair: I think there's a point of order from Mr Johnson.

Mr Paul Johnson: I think my point of order is just that—

Mr Hourigan: I apologize. There is a minor difference in that, and I'm going to repeat it to you in fairness.

Ms Pretty states at the top of the page: "A meeting to discuss those issues...Yeah, yeah. I did not agree to—to dropping all court cases and everything else. As a matter of fact I can remember distinctly saying I'm not—I'm not going to make any decisions right now. I want to think about it. And I—I know I said that. So, you know..."

Your response: "Well I remember you said that sentence as well, but you also said 'yes' to the compromise, you said 'well, okay, yes.' You know you agreed to that."

Mr Callahan: Does he agree to that portion up to that point?

Mr Hourigan: Is that correct?

Dr Tang: Yes, that's correct. You asked me what I meant by that sentence. My answer is, that sentence means, "I'm not going to make any decisions right now."

Mr Hourigan: All right. You said you also understood that she agreed to the compromise?

Dr Tang: Yes.

Mr Hourigan: Then Ms Pretty states, "I agreed to

meeting with you and talking about core issues, and trying to come up with a compromise."

Your response: "Yeah, yeah, yeah, that's another thing. But, okay. So let us set the the date. You had the date yet?" What did you mean by "that's another thing"?

Dr Tang: "I agreed to meeting with you and talking about core issues, and trying to come up with a compromise." I mean, you know—another thing is really she agreed to meet and talk about the core issues.

Mr Hourigan: That's what you meant by that?

Dr Tang: Yes. I think so, yes.

Mr Hourigan: All right. How did the meeting end, sir?

Dr Tang: One thing now, it just occurred to my mind that, you know, to answer the gentleman down there, I said I agree to these things, whatever has been read here. It means that I sort of, you know, I recall something like that being said, but I cannot know for sure whether anything was omitted. You see, there's no way that I can pick out one sentence I said here and there that was not here. That I don't know.

Mr Hourigan: In the portions that I read you specifically, is there any area where you think that something's been omitted?

Dr Tang: You see, like this, there's a dot there, so you know, and dot, dot, dot, dot. But I don't know.

Mr Hourigan: That indicates, sir, that there was an overlap in the conversation. Is there anything else specifically you can point me to?

Dr Tang: I cannot—I mean, there's no way that I can tell that.

Mr Hourigan: All right. How did the meeting end?

Dr Tang: Which meeting?

Mr Hourigan: The meeting of June 17th. Was there any further discussion at the end of the meeting about the compromise that you can recall, other than what you've told me so far?

Dr Tang: The "compromise" word that you quote me from here that I use very loosely, as I said, because I remember I told Sharron a few times that was in the spirit of conciliation that we have this, and I said a few times, but it appears only one time in here somewhere. But the outcome of the meeting, as I mention, as you've seen from my note there, is the meeting to discuss her core issues then. That's one of agreement now.

Mr Hourigan: Following the meeting, did you have any discussions with any Ministry of Housing staff?

Dr Tang: No.

Mr Hourigan: Is there anything else you want to tell me about the June 17th meeting that we haven't covered?

Dr Tang: No. I don't have anything else.

Mr Hourigan: Okay. No other questions. Thank you.

Dr Tang: Thank you.

Mr Paul Johnson: Could I raise a point of order now?

The Chair: Okay, Mr Johnson.

Mr Paul Johnson: I just wanted some clarification.

I didn't want to interfere with the line of questioning, and so although I did raise a point of order and I realize that what I wanted to raise was at least resolved for the time, I would now like a clarification with regard to the two transcriptions that we have. One appears to be a "cleaned up" transcript and the other one seems to be a verbatim transcript. Is that correct, and why is there a difference?

Ms Cronk: You'll recall that when I introduced the transcripts today, I indicated that there were two versions, a version that had been prepared by our offices based on the audio tapes as originally provided to us, and the second version had been provided to us in the course of our interviews by Ms Trinh Luu or Ms Sharron Pretty. So those are the two transcripts that I marked today. So one is a Fasken Campbell Godfrey transcription done by our staff and rechecked last night before they were given to you this morning, and there should be an "FCG" in the corner of the document that you have to identify that, and the second one is the transcript as provided to us, transcribed by someone else.

Mr Paul Johnson: Understanding that, might I suggest that when counsel is speaking of a transcript, they identify the one they're drawing from?

Ms Cronk: Identify it. Sure.

Mr Hourigan: I'm sorry.

Mr Paul Johnson: Thank you.

Mrs Marland: Did you say it's supposed to have the name of the firm in the corner?

Ms Cronk: It should, but it was late when we did it, so I could have missed one.

Mr Callahan: Put it on there, Margaret.

Mrs Marland: No, I just want to be sure that the official one is the—I think I can tell by the typeset.

Ms Cronk: By the font, too.

Interjection.

Mr Callahan: Mr Murphy says to announce the name of the firm and that way we can have a little commercial.

Mr Owens: You can give a phone number.

Interjections.

The Chair: Okay, Mrs Marland.

Mrs Marland: Dr Tang, is it true that your board of the Van Lang Centre had a meeting this past Sunday, the seventh of August?

Dr Tang: Yes, we did.

Mrs Marland: Could you tell the committee what happened at that meeting?

2200

Mr Kimble Sutherland: Mr Chair, on a point of order: Can I have some ruling from legal counsel as to whether this question is appropriate?

Ms Cronk: You may recall that Ms Pretty gave evidence as to her understanding of what had occurred on Sunday last with respect to her status, and in those circumstances I think we should hear from the president of the corporation.

Mr Kimble Sutherland: Okay. thank you.

Mrs Marland: Could you tell the committee what

happened at this past meeting four days ago, on Sunday the seventh of August?

Dr Tang: It was the annual general meeting of the board.

Mrs Marland: Were there any motions passed at that board?

Dr Tang: Yes, the dissolution of the old board.

Mrs Marland: So you presently are not a member of the board?

Dr Tang: No. We had then, after that, the election of the new board, and I am on the new board as well.

Mrs Marland: So does that mean that as of Sunday the seventh of August, 1994, Ms Sharron Pretty is no longer a member of the board of the Van Lang Centre?

Dr Tang: Yes.

Mrs Marland: And were these directors elected by the directors themselves?

Dr Tang: Yes—by the members of the corporation.

Mrs Marland: How many people were at the board meeting?

Dr Tang: About seven, I would think.

Mrs Marland: Seven?

Dr Tang: About. I have the count, if you want me to be more accurate.

Mrs Marland: So the directors elect themselves. There isn't a requirement for members at large to elect the directors of their corporation?

Dr Tang: No. Not at this time, no.

Mrs Marland: Are you familiar with the Corporations Act?

Dr Tang: I'm not as familiar as a lawyer. I guess we rely on our legal counsel.

Mrs Marland: Was your legal counsel at the meeting?

Dr Tang: No, he was not there.

Mrs Marland: So you don't know if what took place on Sunday is legal or illegal?

Dr Tang: No, before the meeting, we did approach our counsels.

Mrs Marland: How many notices of last Sunday's meeting were sent out, and to whom?

Dr Tang: Pardon?

Mrs Marland: How was the notice of last Sunday's annual meeting circulated, and to whom?

Dr Tang: It was circulated to all board members.

Mrs Marland: To the old board members?

Dr Tang: Yes. To all board members, I said.

Mrs Marland: To all board members?

Dr Tang: Yes.

Mrs Marland: And how many is that?

Dr Tang: Right now I think we have seven.

Mrs Marland: So the existing seven board members re-elected themselves, with the exception of Sharron Pretty?

Dr Tang: Sharron Pretty was in the old board, and

the old board had been dissolved by the end of the year.

Mrs Marland: I understand very clearly. Is the new board everybody that was on the old board, with the exception of Sharron Pretty?

Dr Tang: No, we have some new members who joined the board, three—four, actually. Four new members joined the board.

Mrs Marland: So you have four people of the seven new members—you have seven members of the board now, and four of them are new?

Dr Tang: Yes.

Mrs Marland: And they were elected by the seven people present.

Dr Tang: Yes. They were nominated before. They were nominated in the previous meeting.

Mrs Marland: By the previous board.

Dr Tang: Yes.

Mrs Marland: They were nominated by the previous board members. So you're telling us that under the Corporations Act, which governs non-profit housing, a board is able to elect itself.

Mr Callahan: I would have to say that's an unfair question of a person who's not a lawyer, Mr Chair.

The Chair: I'm sorry, Mr Callahan, but we have the guest's legal counsel sitting beside him, if he objects. There is no problem. You will have your time.

Interjections.

The Chair: Mrs Marland, carry on.

Mrs Marland: I'm just trying to find out, Dr Tang, if you understood what it was you took part in at that board meeting.

Dr Tang: We seek legal advice before we had the board meeting. I can tell you that.

Mrs Marland: I think, Mr Chair, that I will bank the balance of my time. Do you want to know when I want to use it, or can I just bank it?

The Chair: Any time.

Mrs Marland: And how much time do I have?

The Chair: Ten minutes and 17 seconds.

Mr Callahan: Mr Tang, I'd like to say that you're a refreshing witness. I think you've tried to be as honest as you can with this committee, despite what may be the irregularities in terms of your board. I'm not going to comment on that at all.

But I'd just like to go back. We have notes that were made at this meeting by a constituency assistant of the minister. For your own fairness, I'm referring to tab 81. I hope time's not running against me while we're looking up the tab.

Mr Owens: Of course.

The Chair: You're giving questions.

Mr Callahan: Okay. I'd like to refer you to tab 81. It's somebody's notes that were being taken and if you go about halfway down the page, you'll see the capital letters, E as in Edward, V as in Victor, which I presume—and you can't tell us, but—is for Evelyn Gigantes. And that says, "To the board—Can these things be

resolved without legal proceedings and removal of directors."

Dr Tang: I didn't know which part you're reading.

Ms Cronk: I don't think you've given him the page.

Mr Callahan: Oh, I beg your pardon. Page 4. Halfway down the page, Mr Tang, and you see "EV" there?

Dr Tang: "EV," yes.

Mr Callahan: And it says, "To the board"—with an arrow—"Can these things be resolved without legal proceedings and removal of directors." Now I ask you, does that help you in terms of determining whether or not the minister was in some respects acting as a facilitator and said, "Can't we resolve this whole issue, Mrs Pretty, by you getting rid of those charges against the directors and they will keep you on as a director?" Does that sound like what—

Mrs Mathysen: Mr Chair—

Mr Callahan: Just a second now. I'm in the middle of a question, Mr Chair.

The Chair: Stop the clock.

Mrs Mathysen: That's not exactly what it says. In fairness, instead of Mr Callahan interpreting what it says, I think he should read what it says.

Mr Callahan: Mr Chair, I don't appreciate the opposition interfering with a question being asked of this witness, and he should have an opportunity to answer it.

Mrs Mathysen: No, you're the opposition, Bob. We're the government.

Mrs Marland: Not for long.

The Chair: Well, his legal counsel will step in.

Mr Callahan: That's right. He's got legal counsel. You guys just told me about that.

The Chair: Okay, start again.

Mr Callahan: Mr Tang, what I'm saying to you is, does that trigger your memory? You've been a very honest witness. Does that trigger your memory of this meeting on the 17th of June, that the minister, Evelyn Gigantes, said something like—she was being a facilitator. You know what a facilitator is, of course.

Dr Tang: Yes.

Mr Callahan: "Ms Pretty, if you're prepared to put"—sort of by-gones be by-gones. "You put your charges aside, okay? The board lets you stay on as a director, and we start from scratch." Is that about what was said?

Dr Tang: No, it's never been said that way.

Mr Callahan: She never suggested anything like that?

Dr Tang: No, at least not in the way that you put it.

Mr Callahan: Well, you tell me how she did.

Dr Tang: Like I mentioned, I never recall, from my perception of the meeting, I never recall any sort of give and take as that.

Mr Callahan: Well, no, not give and take, but I'm reading the—sorry, I don't want to interrupt you. I'm reading the minister's note, and from the minister's note—which was not being taken by her, in fairness to her; it was being taken by a constituency assistant, one Audrey Loey or Hoey. Was it a case of the minister was

trying to sort of straighten this whole thing out? Is that what it was? She was trying to get everybody back to be one big, happy family?

Dr Tang: Yes. More or less, yes.
2210

Mr Callahan: But as recognized by your transcripts, which the counsel for the committee has gone through with Mrs Pretty, you were of the understanding that Mrs Pretty was to consider dropping the charges. Is that right? That's a yes?

Dr Tang: Yes.

Mr Callahan: And in turn for that, there was going to be another meeting to discuss the core issues. Is that right?

Dr Tang: Not in turn for that, you see. That's sort of suggesting that "If you do this for me, I do that for you."

Mr Callahan: Well, no—

Dr Tang: I will repeat it again like when I answered to the counsel. From my understanding, there's a plan, whatever you call it, a proposal—

Mr Callahan: Oh, okay, it was a total plan.

Dr Tang: Yes, a proposal out there, an option.

Mr Callahan: Not two different plans, but a total plan was to be done. Is that right?

Dr Tang: One option shown to us.

Mr Callahan: One option. Okay. But you agree with me that that note triggers in your mind that the minister was involved in trying to create this one plan. Is that right? She proposed it?

Dr Tang: She proposed one offer to us, yes.

Mr Callahan: And that one plan, just to be clear, that she proposed was: "Mrs Pretty, let's go back to happy times. You drop your charges or get rid of your charges, and we'll work together by keeping Mrs Pretty on the board."

Dr Tang: No, she never put it that way. From my recollection, she asked Mrs Pretty: "Is this your core issues? Is this your main concerns? And I assume that if this is your concerns, when the board addresses your concerns to your satisfaction, then there will be no more concern. There's no more pursuing of"—

Mr Callahan: And you can drop the charges.

Dr Tang: No, she didn't say that. She didn't say "drop the charges."

Mr Callahan: Well, "You can get rid of the charges"?

Dr Tang: She didn't say "the charges." I didn't remember that at all, whatsoever.

Mr Callahan: You can get rid of the—

Interjection.

Mr Callahan: But that was the understanding, though, was it not? Let's play it aboveboard here.

Dr Tang: Yes, I already said that. I mean, it's in my mind that that's—

Mr Callahan: That's right. And the minister suggested that as this proposal to solve this problem. Is that right?

Dr Tang: The minister proposed what?

Mr Callahan: The minister was the one who was sort of facilitating this reunification of the family by these things happening and the charges no longer being dealt with.

Dr Tang: She offered options that everybody just thought were sensible options.

Mr Callahan: And that was one of the options?

Dr Tang: No. She offered an option that everybody felt was a sensible option, and that option was, if we satisfy her core issues, then she would see no reason to pursue whatever she pursued.

Mr Callahan: Okay, and finally, she—

The Chair: Okay, you could bank eight minutes. Do you want to bank them?

Mr Callahan: Just a second. And finally, the minister was running the meeting, was she not? The minister was the chair of the meeting. We've heard that.

Dr Tang: Yes, I assumed that.

Mr Callahan: Okay. Thank you very much.

The Chair: Just about eight minutes. Okay, now we go over to Mr Owens.

Mr Owens: Thank you, Chair. I want to go back to the meeting of June 17th. I want to ask you what your perception of the tone of the meeting was. How did you feel the meeting was proceeding? Was it an angry meeting? Was it a conciliatory meeting?

Dr Tang: It was a conciliatory meeting. After the meeting we did talk about the minister's performance, and we think that her performance was very professional. She handled the meeting very well. She was very calm and cool and quite professional.

Mr Owens: Did you at any time during this meeting feel any pressure to undertake any kind of activity?

Dr Tang: No, not whatsoever.

Mr Owens: Was it your view or is it your view that the Minister of Housing was trying to pressure anybody at that meeting into undertaking an activity?

Dr Tang: No, I don't think she—it's not in my view that she tried to pressure anybody. Actually, at the end, even after she offered the options, she repeated a couple of times: "You don't have to answer that now. You can go home and think about that." I recall she said that quite a few times.

Mr Owens: If you could refresh my memory on what the question was that the minister was giving—it was Sharron that she was giving the opportunity to think about something?

Dr Tang: Two times. Number one time was when I asked Sharron to be specific about her complaint about the superintendent. And before Sharron had a chance to answer, the minister told Sharron: "You don't have to answer that. I'd just like to remind you, Sharron. There's a question put to you, but you don't have to answer that." That's one time, as I recall. Then a second time is near the end, almost at the end of the meeting, when she referred to the option that she just put forward. She again said: "You don't have to answer that now. You can go

home and think about that.”

Mr Owens: To the best of your recollection, was the phrase or word “deal” ever used with respect to reaching the point where Sharron would drop the charges in exchange for remaining on the board? Was that ever discussed?

Dr Tang: No. As I mentioned earlier, that had never been discussed.

Mr Owens: Given the—I would like to characterize gently—strong feelings that some of the parties at this meeting may have had for each other, do you think it’s possible that what was termed a proposal or a suggestion that if the two core issues, which I understand from your testimony were the tenant participation and access, if those two core issues were dealt with, things would return to normal—is it possible that it is your interpretation, and I say interpretation and perception, your view, and only your view, that that would include dropping the charges, and that at no time did the minister ever suggest to Sharron Pretty or anybody else at that meeting anything about dropping charges or visiting a crown prosecutor?

Dr Tang: Yes, that’s correct, yes. It’s my own view, my own thought.

Mr Owens: So it’s your own perception that “returning to normal” meant that would be inclusive of dropping charges, but the minister made absolutely no attempt to

pressure or coerce anybody into dropping charges?

Dr Tang: Yes.

Mr Owens: Thank you, Chair. We’ll bank the rest of our time.

Mrs Marland: How much time, Mr Chairman, has been banked?

The Chair: You’ve got 10 minutes and 17 seconds, 11 minutes and 58 seconds for the Liberals, and 10 minutes and 34 seconds for the government. And I’m not doing the adding, so blame the—

Interjection: We can trust this guy.

The Chair: Are there any questions?

Mr Hourigan: No, Mr Chair.

The Chair: Okay. Dr Tang, I appreciate you travelling from Ottawa down here, and I’m sorry we’ve had to keep you in Toronto a little bit longer, and the late night we have tonight. Again, thank you for coming before the committee.

Dr Tang: Thank you very much, sir.

The Chair: I’d like to adjourn until 10 o’clock tomorrow morning.

Interjections.

The Chair: Oh, 9 o’clock.

The committee adjourned at 2217.

CONTENTS

Wednesday 10 August 1994

Alleged breach of conflict-of-interest guidelines	M-555
Marc Collins	M-555
Vinh Tang	M-593

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

- *Chair / Président:** Hansen, Ron (Lincoln ND)
Vice-Chair / Vice-Président: Wessenger, Paul (Simcoe Centre ND)
Dadamo, George (Windsor-Sandwich ND)
***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)
MacKinnon, Ellen (Lambton ND)
***Mathyssen, Irene** (Middlesex ND)
McClelland, Carman (Brampton North/-Nord L)
Morin, Gilles E. (Carleton East/-Est L)
Sterling, Norman W. (Carleton PC)
Sullivan, Barbara (Halton Centre L)
***Sutherland, Kimble** (Oxford ND)
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland
Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan
Harnick, Charles (Willowdale PC) for Mr Villeneuve
Marchese, Rosario (Fort York ND) for Mr Dadamo
Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling
Murphy, Tim (St George-St David L) for Mr Morin
Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon
Winning, David (London South/-Sud ND) for Mr Wessenger

Also taking part / Autres participants et participantes:

Hunt, Phillip, legal counsel to Dr Vinh Tang, board president, Van Lang Centre
Kristjanson, Freya, legal counsel to Marc Collins

Clerk / Greffière: Freedman, Lisa

Staff / Personnel:

Cronk, Eleanore, counsel to the committee
Hourigan, William, counsel to the committee
McLellan, Ray, research officer, Legislative Research Service



M-26A

M-26A

ISSN 1180-436X

**Legislative Assembly
of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Thursday 11 August 1994

**Standing committee on
the Legislative Assembly**

**Alleged breach of
conflict-of-interest guidelines**

Chair: Ron Hansen
Clerk: Lisa Freedman

**Journal
des débats
(Hansard)**

Jeudi 11 août 1994

**Comité permanent de
l'Assemblée législative**

**Allégations d'enfreinte aux consignes
sur les conflits d'intérêts**

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944 – 1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Thursday 11 August 1994

Jeudi 11 août 1994

*The committee met at 0912 in room 151.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES

The Chair (Mr Ron Hansen): I'd like to welcome everybody for day four of the hearings on alleged breach of conflict of interest.

SUE LOTT

The Chair: Our first witness this morning is Ms Sue Lott. Would the clerk read the oath out, please.

Clerk of the Committee (Ms Lisa Freedman): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Ms Sue Lott: I do.

The Chair: Ms Cronk, the floor is yours.

Ms Eleanore Cronk: Good morning, Mr Chair, members of the committee. Good morning, Ms Lott.

Ms Lott is represented, as was Mr Collins, by Ms Kristjanson.

Ms Lott, as I understand it, you are a constituency assistant to Evelyn Gigantes in her constituency offices in Ottawa.

Ms Lott: That's correct.

Ms Cronk: You have held that position, as I understand it, since approximately November of 1990.

Ms Lott: End of November of 1990.

Ms Cronk: Prior to that time, had you worked as a constituency assistant for any other member of the Legislature or cabinet?

Ms Lott: No.

Ms Cronk: All right. With respect to the duties that you have for the minister, generally speaking, what do they entail?

Ms Lott: Generally, they entail dealing with any matter that pertains to provincial legislation that comes to us from within our constituency, which is Ottawa Centre. That could be in the form of individual case work, individual problems, information requests, also requests for meetings, requests for the MPP to attend events in the riding, and without as well.

Ms Cronk: Is the Van Lang Centre in Ottawa located in the Minister of Housing's riding?

Ms Lott: I believe it is not.

Ms Cronk: Do you know what riding it is located in?

Ms Lott: I think it is Ottawa West, but I'm not certain.

Ms Cronk: During the period June 1993 through to June of this year, who else worked on a full-time or regular basis in the constituency office with you in Ottawa?

Ms Lott: From June 1993 to June—

Ms Cronk: Of this year.

Ms Lott: Yes. Audrey Moey, Paul Dewar and myself from June till the fall of 1993. Then in the fall of 1993 both Audrey Moey and Paul Dewar were on leaves of absence, and they were replaced by a woman named Darlene Labrosse and a gentleman named Michel—I'm afraid I've forgotten his last name.

Ms Cronk: And did either of Audrey—

Ms Lott: Michel Proulx; excuse me.

Ms Cronk: Did either of Audrey Moey or Mr Dewar or both return, following their leaves of absence, to the constituency office?

Ms Lott: They did. Audrey returned on a part-time basis, I think in the end of April—I'm not quite sure of the date—of 1994, and Paul Dewar returned in May, the beginning of May of 1994. I'm afraid I'm not too clear about when she became—she started off part-time and then resumed full-time responsibilities.

Ms Cronk: Thank you. I'll ask her about that as well. As I understand it, her leave was a maternity leave.

Ms Lott: It was, yes.

Ms Cronk: Just so that we're clear, Audrey Moey then was gone on that leave from approximately the fall through till approximately April or May?

Ms Lott: Yes, that's correct.

Ms Cronk: Do you recall when in the fall she left on her maternity leave?

Ms Lott: I think it was the very beginning of September. I think she had some weeks of vacation prior to that, vacation—

Ms Cronk: During the period—sorry?

Ms Lott: Sorry: vacation leave, and then was off on leave.

Ms Cronk: During the period June 1993 up until Ms Moey's departure on her leave of absence, as between the two of you, who was responsible for scheduling matters related to the minister in the constituency office?

Ms Lott: At that time, I was doing scheduling. Actually, I think I began doing it around July of 1993. Paul Dewar was doing it up until that point, and then I continued to do it on into approximately the end of May of 1994.

Ms Cronk: And I'm interested, Ms Moey, in—

Ms Lott: Lott.

Ms Cronk: I'm sorry. A good way to start the day.

I'm interested generally in the procedures that have been adopted or put in place by the minister in her constituency office with you and other members of the staff about the frequency of her contact with you and the reporting by you of informational matters to her. So I have a number of questions about that.

Again, dealing with the period May or June 1993 up until June of this year, how often would you meet on a regular basis with the minister?

Ms Lott: The minister comes into her riding on a regular basis, usually on Fridays. There were some days when the Legislature wasn't sitting that she was able to return on Thursdays, but normally it's Friday that she comes into the constituency office, and we set up meetings and events for her to attend well in advance of that.

Ms Cronk: Would you as well, from time to time, speak with her by telephone as need required?

Ms Lott: Very infrequently. I do not initiate calls usually to her during the week. I wait to talk to her about issues when I see her.

Ms Cronk: If a matter of, from your perspective, particular urgency or sensitivity arose, was it your custom over the course of the last year to draw that to the minister's attention immediately by sending her information in Toronto or wherever she might happen to be, or would that wait until her return?

Ms Lott: That would really be a function of, I guess, the urgency or the nature of the matter, but generally I would direct urgent issues to the appropriate staff person in her office in Toronto.

Ms Cronk: Was there during this last year one or more persons in her office in Toronto with whom you routinely dealt on that basis?

Ms Lott: We routinely deal with Rob Sutherland, who acts as a special assistant on constituency matters for Evelyn. There's also a contact in that office who does constituency liaison with us, and her name is Maureen Hall. We deal with those two on a very regular basis.

Ms Cronk: Did you from time to time have contact as well with someone by the name of Marc Collins?

Ms Lott: I only spoke to Marc Collins once that I can recall. Actually, I'll be emphatic about that: I don't remember any other phone call except one conversation I had with Marc Collins at some point in 1993, I think quite early on, maybe around the summer of 1993, and that would actually I think have been the only time I spoke to Marc Collins during that year.

Ms Cronk: Having reviewed some of the documentation, Ms Lott, it occurred to me that although some of the people in the minister's offices in Toronto might not actually know the people in her constituency office in Ottawa, they had a pretty regular course of dealings in writing. Would that be fair?

Ms Lott: Yes, that would be fair.

Ms Cronk: Was that true as between Marc Collins and yourself?

Ms Lott: I faxed quite a bit of information on the Van Lang issue to Marc Collins because it became known to me that he was to be the point person on that. So I was to direct communications that came to our office to him, which I did.

0920

Ms Cronk: How did you learn that he was to be the point person on the Van Lang Centre?

Ms Lott: I don't recall who communicated that to me initially, but I became aware—it was possibly from Rob Sutherland—that he was the point person on this issue.

Ms Cronk: Did you, again, as a general matter speak regularly with Rob Sutherland or Maureen Hall? Was there any set time or set procedure for meetings with them or conference calls?

Ms Lott: We do have conference calls, yes.

Ms Cronk: Is there a regular time?

Ms Lott: We try to have them on a weekly basis. We don't always have them. It's usually flexible; it's not always a set day or time.

Ms Cronk: From time to time, did Marc Collins participate in those conference calls?

Ms Lott: No, he would never.

Ms Cronk: If there was a matter that had arisen in the preceding week or information that you had received at the constituency office that you felt should be passed on to Toronto, was that the kind of thing that would have been likely to have been raised in those conference calls?

Ms Lott: Not necessarily, because—I was aware that Marc Collins was a point person on this and a person to direct specific information, and as this was a Housing matter, I very clearly felt that it should be directed to him and it was not appropriate, necessarily, for it to be the subject of a conference call. It was essentially constituency matters that we dealt with in conference calls.

Ms Cronk: When you say this was a Housing matter, are you referring to issues related to the Van Lang Centre?

Ms Lott: That's right, yes.

Ms Cronk: Apart from contact with the minister's staff in Toronto, did you, as a constituency assistant, have regular contact within the last year with Ministry of Housing representatives in Ottawa?

Ms Lott: No, I didn't.

Ms Cronk: Or with the deputy minister's office?

Ms Lott: No.

Ms Cronk: When you became one of Ms Gigantes's constituency assistants, Ms Lott, did you receive any information about or training or briefing materials, for want of a better expression, concerning the conflict-of-interest legislation in Ontario and the conflict-of-interest guidelines introduced by the Premier?

Ms Lott: I was aware of them and I became aware of them because we have constituency seminars from time to time that are put on by the NDP caucus for constituency staff. I do recall that issue being raised at a seminar I would have been at in which there would have been a general briefing.

Ms Cronk: Do you recall the subject matter having been dealt with at more than one seminar, or just one stands out in your mind?

Ms Lott: Just one instance I recall.

Ms Cronk: How long ago was that?

Ms Lott: Within the last two years. I couldn't say exactly when.

Ms Cronk: Did you receive orientation materials or a book, a manual of any kind, of informational materials that you should have on hand as a constituency assistant?

Ms Lott: I don't recall. We might have something in the office. I don't recall seeing it or looking at it. I have not familiarized myself, actually, with the guidelines by reading them myself, no.

Ms Cronk: So you don't remember whether you personally were given a copy, but you might have been.

Ms Lott: No, I don't; no.

Ms Cronk: Do you recall, at any point after becoming the minister's constituency assistant, discussing with her the conflict-of-interest guidelines or, indeed, conflict-of-interest legislation?

Ms Lott: No.

Ms Cronk: Is that a matter she ever raised with you or your colleagues?

Ms Lott: No.

Ms Cronk: Or you with her?

Ms Lott: No.

Ms Cronk: Then, turning to matters related directly to the Van Lang Centre and the issues before this committee, Ms Lott, when was your first contact, as you can now remember it, with Ms Trinh Luu?

Ms Lott: Regarding the issues around the Van Lang Centre or my first contact meeting her?

Ms Cronk: Let's deal with the Van Lang Centre first. When do you remember having contact with her about that centre, first?

Ms Lott: I recall some time early in 1993—I'm not sure what month that was—Trinh coming into the office and speaking with Audrey Moey and myself about the Van Lang Centre.

Ms Cronk: Do I take from what you said a few moments ago that you knew her before that?

Ms Lott: Yes.

Ms Cronk: When did you first meet Ms Trinh Luu?

Ms Lott: I thought originally that I'd met her going to the official opening for the Van Lang Centre, which was in the winter of 1992, but I'd actually forgotten that I in fact had met her when she came to an interview for a constituency assistant job in Evelyn's riding office, and I think that would have been probably in 1991.

Ms Cronk: Did you participate in that interview?

Ms Lott: Yes.

Ms Cronk: Was she offered the position?

Ms Lott: No, she was not.

Ms Cronk: To your knowledge, was she either before that or thereafter offered a position with the minister's office in Toronto?

Ms Lott: Yes, I did become aware of that.

Ms Cronk: Was that before or after?

Ms Lott: That was after.

Ms Cronk: When was that?

Ms Lott: I'm afraid I couldn't tell you if it was the fall of 1992 or not. I'm afraid I don't know.

Ms Cronk: Okay. Leaving aside the exact time, looking back on it, is it in your recollection a lengthy time after she had interviewed for the constituency office position, close in time or much after?

Ms Lott: Not close in time, no.

Ms Cronk: So she wasn't offered a job in the constituency office but subsequently she was offered a position in the minister's office in Toronto?

Ms Lott: Yes, that's right.

Ms Cronk: Did I understand you to say as well that you believe that you saw her at the opening of the Van Lang Centre?

Ms Lott: That's correct.

Ms Cronk: That, the committee's been told, the formal, official ceremony was in the fall of 1992. Would that be consistent with your memory?

Ms Lott: Yes. I remember it was very cold.

Ms Cronk: Your memory's clear of it?

Ms Lott: Yes, it was freezing.

Ms Cronk: I was going to say, is there some particular reason?

Ms Lott: No, I felt like I was not properly dressed.

Ms Cronk: I was going to say in Ottawa that could be July, but we're talking the fall?

Ms Lott: Exactly. That's right.

Ms Cronk: With respect to the Van Lang Centre issue, you then said, just to put it in a chronological context, that your first memory of dealing with her, that is, Ms Luu, about the matter was early in 1993?

Ms Lott: That's correct.

Ms Cronk: Are we talking the spring or the summer?

Ms Lott: I think it might have been late spring or early summer.

Ms Cronk: Prior to that time, before she came in to see Ms Moey and yourself on or about Van Lang issues, had you come to know her?

Ms Lott: I know that we struck up a friendship, but I don't recall whether that actually came as a result of her coming to us with some concerns she had about the Van Lang Centre. I think it might have been.

Ms Cronk: So it could have been after the spring of 1993.

Ms Lott: Yes, it could have been.

Ms Cronk: From whatever time of its beginning, did you thereafter see her socially from time to time?

Ms Lott: From time to time, yes.

Ms Cronk: Was that true as well of Audrey Moey?

Ms Lott: That's right, I think. We saw her socially together. I remember having lunch on two occasions when Audrey Moey was present.

Ms Cronk: Did you have lunch with her yourself on other occasions?

Ms Lott: No, I didn't.

Ms Cronk: When you say that you recall having lunch with her on two occasions, do you mean in the entire last year or throughout your—

Ms Lott: Throughout our association.

Ms Cronk: How would you describe your relationship with her? Did she become a friend?

Ms Lott: I would say she was a friend.

Ms Cronk: Was she a close friend?

Ms Lott: No.

Ms Cronk: Do you know whether Ms Moey saw her on a regular basis in a social context?

Ms Lott: I'm not aware that she did, no.

Ms Cronk: Then in the late spring or early summer, when she came in to see Audrey Moey and yourself, was that about matters directly related to the Van Lang Centre?

Ms Lott: Yes, as much as I do recall of the conversation with her about that, it was about her concerns about the superintendent of the Van Lang Centre.

Ms Cronk: Did she come alone or accompanied by anyone else?

Ms Lott: I'm certain she came alone.

Ms Cronk: Did she provide you or Ms Moey at that time with any background documentation relating to her concerns about the superintendent?

Ms Lott: Yes, she did.

Ms Cronk: Was that your first knowledge of problems at the centre?

Ms Lott: Yes.

Ms Cronk: How is it that you were at the opening of the Van Lang Centre in the fall of 1992 if it was outside the riding of the minister?

Ms Lott: The minister will attend housing openings in the Ottawa-Carleton area. They like to have staff people accompany her, and it's not always possible, I think for financial considerations, to have staff out of her Toronto office do that, so constituency staff will accompany her from time to time.

Ms Cronk: Jumping back again to the late spring or early summer, did Ms Luu raise with you a number of concerns or, in your recollection, were they really focused on the superintendent?

Ms Lott: My recollection is of her speaking about the superintendent.

0930

Ms Cronk: And from that point forward, would it be accurate or inaccurate, in your view, to suggest that Ms Luu became well known to the constituency office of the minister?

Ms Lott: Well known in the sense that she did contact our office frequently and she would come into the office with documents.

Ms Cronk: How frequent was her contact with the office?

Ms Lott: I'm afraid I couldn't be very specific with you. There were a number of communications or communications documents that she produced to us. I don't recall how many times she phoned.

Ms Cronk: Okay, I understand what you're saying: It's difficult to know the exact number of times. But looking back over the last year, because it's really only the last year that we're talking about, do you remember her either contacting or coming in to the constituency office often, or are we talking about a couple of times?

Ms Lott: It might have been once a month.

Ms Cronk: And was she a constituent of the minister's in the sense of residing in the minister's riding?

Ms Lott: I understand that she was at that time.

Ms Cronk: When you met with her in the spring or early summer of 1993 about the Van Lang Centre, to your knowledge had the minister met her?

Ms Lott: She would have met her at the opening of the Van Lang Centre, which I guess we've established was in the fall of 1992.

Ms Cronk: To your knowledge, had the minister had any other dealings with her or met her on any other occasion at that point?

Ms Lott: Not to my knowledge.

Ms Cronk: When did you first meet Sharron Pretty?

Ms Lott: I think I met Sharron Pretty when she came into the office with Trinh Luu some time in the fall or winter—I guess it would have been late 1993, either the fall or the later part of 1993.

Ms Cronk: When Ms Luu had come in to see you in late spring or early summer and expressed her concerns about the superintendent of the Van Lang Centre and provided you, I think you said, with some information and documentation about that, did you pass that along to the minister in the sense of informing her of what had occurred and what you'd been told?

Ms Lott: I think what I did was that we looked at the documentation. It was, I think, a number of briefs, and—

Ms Cronk: A number of—

Ms Lott: I think they were some documents, and we did forward some of that up to the minister's office by fax.

Ms Cronk: In Toronto?

Ms Lott: Yes.

Ms Cronk: Do you recall yourself briefing the minister or relating information to her in one of your discussions with her?

Ms Lott: No, I don't recall.

Ms Cronk: The committee has received evidence, Ms Lott, that in a letter to you and to Ms Moey from Trinh Luu, dated June 29th, 1993, she dealt with some of these matters, some of these concerns. Stopping there, does that help you place the timing of your first contact with her about the Van Lang Centre?

Ms Lott: It could have been around then, yes.

Ms Cronk: In that letter, which I'd be glad to show you if you wish, but I don't think you need to look at it unless you tell me you do—

Ms Lott: Okay, no.

Ms Cronk: —Ms Luu concludes by asking whether she should write directly to the minister about the issues that were raised in her letter. Do you recall that?

Ms Lott: I don't, but I do recall that we tried to make it very clear to her that if she had issues she wanted to communicate to the minister, she should do so in writing.

Ms Cronk: There's a number of volumes of documents that have been introduced as exhibits before the committee. I'm just going to ask you to look at a couple of them as we talk about this, Ms Lott. Could I ask you to look at exhibit 2 first, tab 11. Do you have that?

Ms Lott: Yes, I do.

Ms Cronk: Are these your notes?

Ms Lott: No, they're not.

Ms Cronk: Can you identify the writer for me? Do you know whose handwriting that is?

Ms Lott: That looks to me like Audrey Moey's.

Ms Cronk: They appear to relate, just looking at the date at the top, to a meeting with Trinh Luu on July 20th. Do you recall whether you participated in the meeting with Trinh Luu at that time?

Ms Lott: No, I don't recall. If that was July 20th, 1993, I probably was on holiday that month.

Ms Cronk: After Ms Luu had come in and had spoken with Ms Moey and yourself in or about the early summer of 1993 about the Van Lang Centre, when do you next remember her drawing concerns relating to the centre to your attention?

Ms Lott: I don't have a good recollection of the next specific one, but I have a recollection of her coming into the office with Sharron Pretty.

Ms Cronk: The committee has heard evidence from Ms Pretty and from Ms Luu that on or about October 28th or October 29th they went to the constituency office in Ottawa and met with Ms Moey and yourself. Does that help you fix it in time?

Ms Lott: Yes, it does, but if it was October 28th, 1993, Audrey wouldn't have been in the office; she would have been on leave.

Ms Cronk: So you think Ms Moey was gone by then.

Ms Lott: Yes.

Ms Cronk: Do you personally have a recollection of that meeting?

Ms Lott: I have a recollection of them coming in—this was not a set-up meeting—and I think I brought them to the back, where my office is.

Ms Cronk: Was there anyone else present for your discussions, apart from yourself, Ms Pretty and Ms Luu?

Ms Lott: No.

Ms Cronk: Were concerns expressed at that meeting by either or both of them regarding the Van Lang Centre?

Ms Lott: I'm sure there were. What I do recall very clearly is being introduced to Sharron Pretty as a board member, I think.

Ms Cronk: Were you told that she was a tenant at the centre as well?

Ms Lott: Yes, that's right.

Ms Cronk: And were you provided at that time, or did you see at that time, a letter from Sharron Pretty to the minister, or did the issue of a letter to the minister arise at all, that you now remember?

Ms Lott: I don't recall a specific letter. No specific letter comes to my mind, but my impression is that there probably could have been a letter. There were many pieces of communication that were brought into our office, and it would be likely that there would also have been a letter that accompanied their coming to see me.

Ms Cronk: Do you now remember, Ms Lott, whether you provided any advice to them at that meeting about how they should handle or what they should do about the concerns they had?

Ms Lott: The only thing I do recall is that I think I tried to make it clear to them that as a constituency staff person, I personally could not do the follow-up on these issues but that I could convey any letters they wanted to direct to the minister to the minister's office for them. I might have mentioned to them as well that it would be important for them to bring concerns they had to the local regional Housing office, and I might have mentioned Brian Sutherland's name as the general manager.

Ms Cronk: Did you know Mr Sutherland at that point?

Ms Lott: I might have met him on occasion at a housing opening.

Ms Cronk: Perhaps Ms Kristjanson could give you volume 2 of exhibit 1, tab 11. This is a letter dated October 29th, 1993, from Ms Pretty to Ms Gigantes. Do you recall seeing this letter before?

Ms Lott: I don't recall this specific letter.

Ms Cronk: If I could ask you to flip, if you would, to tab 15 of that volume, this is a fax from yourself, Ms Lott, to Marc Collins dated December 21, 1993. Is that your handwriting in the message portion of the fax?

Ms Lott: That's right.

Ms Cronk: And would I be correct in suggesting that your note to Mr Collins indicates that you were passing along to him "another letter related to the problems at the Van Lang Centre from a former board member"?

Ms Lott: Mm-hmm.

Ms Cronk: And attached to that fax is a copy of the October 29th letter. Do you have that?

Ms Lott: Yes, I see that.

Ms Cronk: Was it your understanding that Ms Pretty at that time was a "former" board member?

Ms Lott: I guess that shows that I was not really clear of what her status was. I knew she was a tenant, but my impression was that she was also a board member when I met her.

Ms Cronk: Had you been told by anyone that she was no longer on the board?

Ms Lott: I don't recall that, no.

Ms Cronk: And carrying on with your note, it says, "I mislaid this one and it does require a response from Evelyn—could you ensure that there is a minister's

response to this letter? Thanks."

Ms Lott: Yes.

Ms Cronk: By that point in time, were you dealing with Mr Collins on matters related to the Van Lang situation?

Ms Lott: I had been informed that I should direct communications that came to our office to him, yes.

0940

Ms Cronk: With respect to the accompanying letter, the October 29th letter, what is the practice in the minister's constituency office with respect to the receipt of correspondence or documentation? Are you required to make a notation of the date of its receipt or to log it or enter it in any way?

Ms Lott: It's not a fixed science. What we do is that have somebody who deals with correspondence on non-Housing-related issues in our constituency office.

Ms Cronk: I didn't catch the first part.

Ms Lott: Non-Housing-related matters. We do get a large volume of correspondence, and that mostly comes to us through the postal system and we do log that. We also get, obviously, Housing matters through the mail as well. Any Housing-related letter that comes to our office we would fax to the minister's office in Toronto.

Ms Cronk: If it was a letter relating to a Housing matter, would that be logged in any way?

Ms Lott: If it came through the postage system, it would have been sure to have been logged, yes.

Ms Cronk: What if it was hand-delivered?

Ms Lott: Not always, no.

Ms Cronk: Do you keep time records of any kind, by date entry, of material sent to the minister's office in Toronto? That may be a totally ludicrous question, but I just don't know.

Ms Lott: We do actually keep those original documents, because we do have the original after we have faxed it. We'd retain those in an in basket near the fax machine.

Ms Cronk: Do you retain fax confirmation sheets, is what I'm really asking. When you fax something to Toronto, do you keep the—

Ms Lott: No.

Ms Cronk: With the benefit of this particular fax message before you, does it assist you in indicating to the committee whether it was on or about December 21st, for the first time, that from your offices a copy of the October 29th letter from Sharron Pretty was provided to Toronto?

Ms Lott: That's my impression, yes. It concerned me that we would have mislaid a letter, because we pride ourselves on not doing that, but my impression is that I received this letter for the first time on December 21st or thereabouts and then faxed it to Evelyn's office.

Ms Cronk: When you say "received it for the first time," do you mean from Ms Pretty or that you just located it?

Ms Lott: Received it from Ms Pretty for the first time.

Ms Cronk: Well, your note to Mr Collins suggests that you had mislaid the letter.

Ms Lott: Yes, it does.

Ms Cronk: Doesn't that imply that you'd received it at an earlier date and it had been overlooked?

Ms Lott: It's possible, but, as I said, we're very careful about Housing-related letters, that we do not mislay them.

Ms Cronk: I'm not being critical, Ms Lott, I'm just trying to understand the facts here. Would it be fair of me to say that given the language you used in the note to Mr Collins, it certainly suggests that you had it at an earlier time and inadvertently had not passed it on and you were now doing so?

Ms Lott: Well, Sharron Pretty had indicated to me that she had passed the letter to our office previous to December 21st, but, as I said, we could not find that letter and I presumed that I had mislaid it. But it's possible that in fact we had never received it.

Ms Cronk: Do you have a clear recollection one way or the other?

Ms Lott: No.

Ms Cronk: If Ms Pretty has given evidence to this committee that she provided a copy of the letter to your offices at the end of October 1993 or the beginning of November, I take it you wouldn't have any personal reason to disagree with that?

Ms Lott: No, because I do not personally handle every piece of information that goes through our constituency office.

Ms Cronk: Did you become aware also during the fall of 1993 that Ms Trinh Luu had, in writing, requested a meeting with the minister with respect to Van Lang-related matters?

Ms Lott: I don't have any specific memory of a specific letter, no.

Ms Cronk: Or of that kind of request from Ms Luu in the fall of 1993?

Ms Lott: I don't have any specific memory of that kind of request in the fall of 1993.

The Chair: Ms Marland has a question.

Mrs Margaret Marland (Mississauga South): Ms Cronk, this is the letter that I pointed out to the committee yesterday we have two versions of. I just wondered, since you're asking Ms Lott about this letter, whether she can confirm which version she recalls, since the format is so different between the two and the only difference is a sentence at the end of—

Ms Cronk: By all means.

The Chair: I think the date it was received was also a question from one of the members of the committee.

Ms Cronk: Ms Lott, if I can try to deal with both those issues, there's evidence now before the committee, based on various copies of the October 29th letter, that there are two versions of this letter. Keep your hand, if you would, please, at tab 11, and flip over to tab 18. If you look at the copy of the October 29th letter at tab 11, you'll see, for example, that the address and phone

number of Ms Pretty, the sender of the letter, is in the top right-hand corner. I'm just giving you an example of the differences.

Ms Lott: Yes.

Ms Cronk: And if you look at the versions of the October 29th letter at tab 18, it's on the left-hand side.

Ms Lott: Yes, I see that.

Ms Cronk: I won't take you through it unless you wish to see it, but there are also differences between the concluding paragraphs in the letters.

Would it be a difficult matter for you to make inquiries for me and find out which copy of the letter was received at the constituency offices and forwarded to Marc Collins on December 21st?

Ms Lott: I could certainly find out.

Ms Cronk: Do you know today, as you sit here?

Ms Lott: No, I don't.

Ms Cronk: Okay. Would you also be able to determine at this point whether there is a date stamp or other recording at the constituency offices of the date when this letter was received?

Ms Lott: I can find that out as well.

Ms Cronk: Just to help you in those inquiries, looking at tab 15, which is where your fax memo to Mr Collins is, the copy of the October 29th letter that appears right after the fax has the initial "AM" in a box in the right-hand corner.

Ms Lott: Mm-hmm.

Ms Cronk: The "AM" entry was by our offices, and that signifies that the copy of the letter in the constituency office materials provided to the committee was this copy. This was attached to the fax, as given to us—whether it should have been, I don't know, but it was—and that suggests it was the version with the address on the left-hand side.

Ms Lott: I see.

Ms Cronk: If you could make those inquiries perhaps before you complete your evidence, we'll get the information.

Ms Lott: Okay.

Ms Cronk: Thank you. We were talking about a request in the fall of 1993 by Ms Luu for a meeting with the minister. Whether or not—excuse my appalling English. Regardless of whether you saw a letter from her in that regard, did you learn that she had requested formally a meeting with Ms Gigantes in the fall of 1993?

Ms Lott: I don't recall that, no.

Ms Cronk: Do you recall Ms Luu outlining again or informing you in the fall of 1993 of continuing concerns that she had with respect to the Van Lang Centre?

Ms Lott: Yes, I do recall that.

Ms Cronk: Do you have any personal knowledge of a response by the minister, either to those concerns or to a request for a meeting, to Ms Luu?

Ms Lott: No, I don't.

Ms Cronk: Could you look at exhibit 1, volume 2, tab 14. This is a letter dated December 6, 1993, from the

minister to Ms Luu. Do you remember seeing this letter on or about December of 1993?

Ms Lott: I do now, yes.

Ms Cronk: Did you have any discussion with the minister, that you now recall, about the contents of the letter or a proposed meeting with Trinh Luu?

Ms Lott: No.

Ms Cronk: If you look at the second version of the letter, it has a Post-it fax stamp on it suggesting that you received a copy of it? It's "To Sue from Carol."

Ms Lott: That's correct, yes.

Ms Cronk: Would that be Carol Whitehead at the minister's office in Toronto?

Ms Lott: That's right.

Ms Cronk: Would that suggest to you that this letter was sent to Ms Luu from the minister's office in Toronto but a copy was provided to you for information?

Ms Lott: Yes.

Ms Cronk: It refers in the body of the letter to a compliance review which the eastern regional office of the ministry had undertaken with respect to the Van Lang Centre. Were you aware, in the fall and early winter of 1993, that such a review was being undertaken by the ministry?

Ms Lott: I do recall becoming aware of that, yes.

Ms Cronk: Did you continue to have contact with either Sharron Pretty or Trinh Luu through the winter of 1993, and by that I mean now January through to April 1994, about matters relating to the Van Lang Centre?

Ms Lott: They contacted our office, yes.

Ms Cronk: Was that frequent or infrequent, as you now recall it?

Ms Lott: I would say it was fairly frequent, yes.

Ms Cronk: And where they provided you with information concerning the Van Lang Centre or concerns they had, whether orally or in writing, did you pass that information on to Toronto?

Ms Lott: Yes.

Ms Cronk: Should we conclude that that was transmitted to Marc Collins, for the most part?

Ms Lott: Yes.

0950

Ms Cronk: Do you remember, looking back on it, Ms Lott, having discussions with the minister herself, from time to time, during your meetings with her at the constituency offices in Ottawa about the situation at Van Lang or your continuing contact with Ms Luu or Ms Pretty?

Ms Lott: I don't recall a specific conversation with her, but it is very possible that we did speak about it in passing.

Ms Cronk: Just for example, in terms of the transmittal of information, could I ask you to look at exhibit 2, tab 26. This is another fax coversheet from you to Marc Collins dated January the fifth. Again, is that your note in the message portion?

Ms Lott: Yes.

Ms Cronk: In the note it indicates that you were passing further correspondence on to Mr Collins, and if we look at the attached correspondence, it's related to the Van Lang Centre. Is that correct?

Ms Lott: Yes.

Ms Cronk: The note indicates, and the attachment confirms, that what you were sending to Mr Collins was correspondence from Ms Pretty relating to documents that she was providing to the minister.

Ms Lott: Yes.

Ms Cronk: But, in addition, you're telling Mr Collins in this note that you had also faxed a request for a meeting that had come to the constituency offices from the president of the board of directors to Ezia. Is that Ezia Cervoni?

Ms Lott: Yes.

Ms Cronk: Is she at the minister's office in Toronto?

Ms Lott: Yes.

Ms Cronk: All right. So do I understand correctly that you were relaying the attached documents to Mr Collins but you'd also sent to Ms Cervoni a copy of a letter from the board of directors requesting a meeting. Is that correct?

Ms Lott: Yes.

Ms Cronk: If we look at—sorry to have you jumping around—volume 2, exhibit 1, tab 16, this is a letter to the minister from the president of the board of directors, a Mr Hieu Truong, dated January 3, 1994. Is this the letter to which you were referring in your message to Mr Collins that you had sent Ms Cervoni?

Ms Lott: It must have been.

Ms Cronk: All right. Had you at that point in time had any dealings personally with any of the other board members at the Van Lang Centre, apart from Ms Pretty?

Ms Lott: No, I hadn't.

Ms Cronk: Had you, apart from any introductions that may have occurred at the official opening of the centre, even met them?

Ms Lott: No.

Ms Cronk: Do you recall in early March of 1994 learning of a request by Trinh Luu and Sharron Pretty, a joint request for a meeting with the minister?

Ms Lott: I remember a joint letter from Sharron Pretty and from Trinh Luu.

Ms Cronk: Could I ask you, in the same volume, volume 2, to look at tab 26. Again, this is another fax from you, dated March 8, 1994. This is to the attention of Newton. Would that be Mr Newton Vanriel?

Ms Lott: Yes, that's right.

Ms Cronk: He was attached to the minister's office in Toronto?

Ms Lott: Yes.

Ms Cronk: Attached to it is a letter dated March the fourth, 1994, signed jointly by Sharron Pretty and Trinh Lu. I take it you were relaying this letter on.

Ms Lott: Yes.

Ms Cronk: And this letter is a request by them for

what they described as a "special and urgent" meeting with the minister. Is that correct?

Ms Lott: If that's what it says.

Ms Cronk: Just to help you with that, in paragraph 2 of the letter?

Ms Lott: Yes.

Ms Cronk: All right. Do you recall discussing this request with the minister?

Ms Lott: No, I don't.

Ms Cronk: If we look at your covering fax—sorry, perhaps I could ask you to go the next tab, tab 27—you appear to have sent a copy of the same letter to Ms Cervoni, this time on March 14.

Ms Lott: Sorry, I have to look at the letter. Yes, it's the same letter.

Ms Cronk: So you'd gotten a copy of the March fourth letter, the request letter, you've sent a copy on to Newton Vanriel and now you're sending a copy to Ms Cervoni, both at the minister's office in Toronto. Is that correct?

Ms Lott: That's correct.

Ms Cronk: And in your message to Ms Cervoni, you indicate that you had been sending all previous correspondence to Marc Collins?

Ms Lott: Yes.

Ms Cronk: It's in the handwritten portion?

Ms Lott: Yes. I see that, yes.

Ms Cronk: Do you also indicate that Sharron Pretty was becoming so agitated about all of this that she wanted to go to the media?

Ms Lott: I see that, yes.

Ms Cronk: And was that a matter that you discussed with the minister, as you now recall it?

Ms Lott: No, I don't recall discussing that with the minister.

Ms Cronk: When a constituent in the minister's riding or a member of the public, in your experience in the last year, contacts the minister's offices in Ottawa with a concern or a problem or a complaint of whatever kind and says the equivalent of "I'm going to go to the press about this," or "This is of sufficient concern that I'm going to go to the media," or "I'm talking to the media," is that not the kind of thing that you tell the minister about?

Ms Lott: No, not necessarily. We get many people calling us in a very agitated state or people that are making those kinds of threats to us, and we have to evaluate those calls as we get them.

Ms Cronk: Either way then, with respect to this particular suggestion involving Sharron Pretty, I take it you have no specific recollection of having spoken to the minister about that?

Ms Lott: No, I don't. I would've been very concerned and very clearly wanting to pass on that information, though, regarding the Van Lang Centre and her wanting to go to the media to Evelyn's staff in Toronto, knowing that there was a point person up there that had been dealing on an ongoing basis with this matter.

Ms Cronk: Is that why you sent a copy to Ms Cervoni?

Ms Lott: That's right.

Ms Cronk: Do you know now whether there was a reason why you didn't contact Mr Collins directly, or do you know?

Ms Lott: I think that I just wanted to put forward again another meeting request to Ezia, who was the person dealing with scheduling Housing-related meetings in Evelyn's office.

Ms Cronk: Okay. I just want to make sure, Ms Lott, that I understand your own personal practice as you were working for the minister over the course of the last year. If I can use the vernacular, if something came up that was a hot issue, either because it was politically sensitive, in your assessment, or for whatever reason, its gravity, for whatever reason, it was something that was urgent or sensitive—

Ms Lott: Yes.

Ms Cronk: —I can appreciate that there might be in the normal course of events either reasons for not contacting the minister directly or difficulty in doing so.

Ms Lott: Yes.

Ms Cronk: But would you not pick up the phone or by fax automatically let the minister's office know that this had occurred or that this issue was out there?

Ms Lott: That's what I did in this case, yes.

Ms Cronk: That's what I'm getting at. And wouldn't the intimations of possible media contact about problems in her riding or near her riding fall into that category, that you would relay that information?

Ms Lott: Yes, and under normal practice I would relay something like that to her communications assistant, Anne-Marie McElrone.

Ms Cronk: Okay. And what did you understand Ms Cervoni's position or job function to be?

Ms Lott: She was the scheduling person in Evelyn's office. But I was also aware that she was dealing with Marc Collins on this matter.

Ms Cronk: Now, when you told the committee earlier that during this period of time, that is, now we're into the spring of 1994, you were doing the scheduling for the minister, did part of that function entail expressing views or offering advice to the minister as to which meetings she should attend in the Ottawa area?

Ms Lott: Not on Housing-related meetings, no.

Ms Cronk: Why is that?

Ms Lott: Because she has ministerial staff that are hired for her as the Minister of Housing to deal with those matters and she has a scheduling assistant up there. I also understood that there were people that met regularly and assessed meeting requests related to Housing matters that came to the minister's office.

Ms Cronk: Did you provide the minister, given your familiarity with Trinh Luu and your knowledge of her, with any advice or suggestion as to how she should respond to the request from Ms Luu and Ms Pretty for a meeting?

Ms Lott: No, I didn't.

Ms Cronk: At some point in April 1994, Ms Lott, did you become aware as to whether the minister had made a decision to meet one way or the other with Ms Luu or Ms Pretty?

Ms Lott: I became aware of it when she was back in the constituency office, and I think that was in early June, on a Friday, and I remember her speaking at that point to Audrey Moey, who was doing her scheduling in the riding office, indicating that she wanted to set up a meeting.

Ms Cronk: All right.

1000

Ms Lott: I was passing through the office. I was not sitting in the office at the time, but I do recall hearing her say that to Audrey.

Ms Cronk: And that's just this past June.

Ms Lott: That's right.

Ms Cronk: All right. I was actually back a little earlier in time and my question was: In April of this year, did you at some point learn whether the minister had made a decision whether to meet with Ms Luu or Ms Pretty as a result of this March fourth request?

Ms Lott: No, I did not.

Ms Cronk: All right, just to help you with that, could I ask you to look at tab 33. This is a transcribed e-mail, as I understand it, between Lisa Heaton to Ms Cervoni. It's dated April 14th, 1994. It relates to the Van Lang Centre, and the text of the message suggests that the "minister would like to meet with Sharron Pretty et al of Van Lang Centre and include Brian Sutherland in the meeting" and that "the meeting would be in Ottawa Centre, her riding," and then there's a query about who was going to make the arrangements.

If there was going to be a meeting involving the minister in Ottawa at this point in time, April of 1994, would I be correct in assuming that either you or Audrey Moey, as the schedulers out of that office, would have to know about it and be involved in making those arrangements?

Ms Lott: Once the decision had been made, yes.

Ms Cronk: All right. And does this e-mail help you as to whether you learned in mid-April or thereabouts of 1994 as to whether the minister intended to meet with Trinh Luu or Sharron Pretty?

Ms Lott: I don't recall knowing at that time whether there was an intention to set up a meeting.

Ms Cronk: When, then, was the first time that you learned of an intention to set up a meeting?

Ms Lott: As I mentioned previously, when Evelyn was back in the constituency office, and I think that was a Friday in early June. I remember her speaking to Audrey Moey, who was doing the scheduling then, about setting up a meeting.

Ms Cronk: All right. Now, you'll recall that you had previously relayed on to Toronto a copy of the request that had come in from the board for a meeting with the minister that dated back in January.

Ms Lott: Mm-hmm.

Ms Cronk: Did you at some point learn the nature of the response by the minister to that request?

Ms Lott: I don't recall, no.

Ms Cronk: All right.

Ms Lott: During the course of the week I would get a number of housing-related meeting requests that I would pass on to her staff in Toronto, so there was always a volume of outstanding ones that I hadn't heard back from.

Ms Cronk: Could I ask you to look at tab 35.

Ms Lott: In the same volume?

Ms Cronk: Yes, in the same one again, just to assist in the chronology. There's a great deal of paper here, Ms Lott, so it's easy to forget something.

Ms Lott: Mm-hmm.

Ms Cronk: This is an e-mail message to Ms Cervoni from Ms Heaton. It's dated April the 18th. It appears to relate to the proposed meeting concerning Van Lang and it appears to suggest that that meeting was on hold. Would you agree with me so far?

Ms Lott: Yes.

Ms Cronk: And then, looking at the handwriting at the bottom, the 19th of April, it to me reads, "Sue—told her meeting on hold till Ev's looked at background." Is that a fair reading, in your view, of what that says?

Ms Lott: Yes, it looks like that, yes.

Ms Cronk: And would I be correct in assuming that "Sue" was you?

Ms Lott: Yes.

Ms Cronk: All right. That suggests to me that there must have been some discussion—I'm not, again, being critical for your not remembering it—some discussion with you in April indicating that the minister wanted to meet and that the meeting was then put on hold and that you were told that because she wanted to see some background.

Ms Lott: Yes.

Ms Cronk: Having that in front of you, does that assist you at all in remembering whether there were discussions about this?

Ms Lott: That is possible, yes.

Ms Cronk: Do you remember any discussions about it in April, though?

Ms Lott: Not specifically in that month, no. I do recall, though, some brief discussion with Evelyn about the issue of the compliance review and Evelyn wanting to see that at some point.

Ms Cronk: And do you recall when that was?

Ms Lott: No, I don't. I think that was in relation to the issue of setting up a meeting.

Ms Cronk: Did that occur during the month of May or the month of June?

Ms Lott: I don't recall.

Ms Cronk: Did you, before this contact that you've described between Ms Moey and the minister in June, looking back on it, have any understanding about whether

the minister was going to meet with anyone connected with the Van Lang Centre?

Ms Lott: I had not heard definitively, no.

Ms Cronk: Did you have any understanding as to whether she was going to meet with anybody? This suggests there was discussion about a meeting that you were told about.

Ms Lott: At what point in time?

Ms Cronk: This e-mail suggests that in mid-April there was some discussion or information provided to you about a possible meeting.

Ms Lott: Mm-hmm.

Ms Cronk: And what I'm asking you is, do you now remember having had an understanding before June, in April or May, as to who the minister might be meeting with, connected to Van Lang?

Ms Lott: No, I didn't have that.

Ms Cronk: Or as to whether a final decision had been made?

Ms Lott: No.

Ms Cronk: And then, looking at tab 39 of the same volume, this is a fax transmittal sheet dated April 21st, 1994, addressed to Sue. I take that to be you.

Ms Lott: Yes.

Ms Cronk: From Jenny.

Ms Lott: Jenny Lam, who was doing scheduling in Evelyn's office for a time.

Ms Cronk: In the minister's office in Toronto?

Ms Lott: Yes, right.

Ms Cronk: Under the "Comments" section—I take it the comments at the bottom are from Ms Lam to you.

Ms Lott: Yes.

Ms Cronk: The reference on it is, "Latest status on Van Lang—to meet or not to meet..." Would it be fair of us to conclude from that that at least at this point in time, there was some uncertainty yet as to whether a meeting would occur?

Ms Lott: Yes, it would be fair.

Ms Cronk: Then the remaining entries indicate that: "Ministry has sent reply to S. Pretty's letter. I'll talk with her in a few days to see if the written response eliminates need for meeting. We'll take it from there, depending on their response." Does that assist you in recalling what your own understanding was of a potential meeting in April or May?

Ms Lott: Again, it assists me in recalling that I obviously had some knowledge that they were discussing a meeting.

Ms Cronk: At some point, do you remember speaking with Karen Ridley about that matter?

Ms Lott: Yes.

Ms Cronk: Did you do so at the beginning of May or in mid-May?

Ms Lott: That sounds like around the date, yes.

Ms Cronk: Could I ask you to look at tab 38, if you'll just flip back. Did you keep any notes personally, Ms Lott, of your discussions from time to time with

Trinh Luu or Sharron Pretty?

Ms Lott: No, I didn't. No, only—no, I didn't.

Ms Cronk: Only?

Ms Lott: No, I'm just thinking that I remember taking notes, I think, the first time that Trinh came into the office. But subsequent to that, no; there were just too many contacts. We have so many contacts during the course of our day that we don't have the opportunity to take notes on every contact and every phone call that we take.

Ms Cronk: The document at tab 38 is yet another e-mail, dated April 21st, 1994, this one from Ms Cervoni to ILS. My understanding is that's "information liaison section." Is that right?

Ms Lott: I don't know.

Ms Cronk: You don't know. I direct your attention to the handwritten notes at the bottom. First of all, did you know a Karen Ridley at the minister's office?

Ms Lott: I had spoken to her on the phone, yes.

Ms Cronk: Did you know what her position was?

Ms Lott: Yes.

Ms Cronk: I said "the minister's office." I shouldn't have put it to you that way. What position did she hold, as you understood it?

Ms Lott: She took on a scheduling role in the minister's office.

Ms Cronk: This handwritten note—I direct your attention to the second part of it. Do you see where it begins, May 12, 1994?

Ms Lott: Mm-hmm.

Ms Cronk: It reads: "Sharron called, not happy, said I would talk to ministry staff and get back to her. Called Sue at CO." Do you agree that that's "constituency office"?

Ms Lott: Yes.

Ms Cronk: "She will talk to Evelyn to see about setting up a meeting with Sharron, MOH staff" and it's either "her soon" or "how soon"; I can't read that.

Stopping there, do you remember being contacted by Karen Ridley on or about May the 12th, 1994, about the prospect of a meeting with the minister for Sharron Pretty, MOH and MOH staff?

Ms Lott: No, I don't recall that discussion; no.

Ms Cronk: So you have no memory of it.

Ms Lott: That's right.

Ms Cronk: Having regard to the note that I've just read to you, do you have any reason to disagree that that occurred, or are you just simply saying you don't remember?

Ms Lott: What I do recall is that I did speak to Karen Ridley at some point about an outstanding request from Sharron Pretty for a meeting. What I'm confused about is the possibility that when she made that note about getting back to me to set up a meeting with Sharron, MO—I think it's "with Sharron, MOH staff." I guess I'm not clear about what comes after that.

Ms Cronk: I think it's either "and how soon" or "and

her," meaning the minister. I just can't read that.

Ms Lott: Okay.

Ms Cronk: But what I'm saying is, do you have any reason to disagree that this occurred, or are you just telling me you don't remember?

Ms Lott: I do remember having spoken to Sharron—sorry—Karen Ridley about some contact that Sharron Pretty had either made directly with myself or with Karen Ridley about the prospect of having a meeting with Evelyn.

Ms Cronk: Were you asked to speak to the minister in that regard, as this note would appear to suggest?

Ms Lott: I don't recall that, no.

Ms Cronk: Again, when you say you don't recall, some people mean by that, "It didn't happen," some people mean, "I don't recall one way or the other."

Ms Lott: I don't recall one way or the other.

Ms Cronk: And then continuing on with the note, it says: "Called Sharron to say Sue would be in touch soon. She feels it's too late. Going to court June 2. Illegal refusal to hand over"—and it's been suggested that might be "agency"; I don't know what the word is—"documents. Said I would relay this to Sue." You see that?

Ms Lott: Okay.

Ms Cronk: That's obviously a note by Ms Ridley—

Ms Lott: Yes, okay.

Ms Cronk: —about a conversation that you had no involvement with, ie, between her and Sharron?

Ms Lott: Yes, that's right.

Ms Cronk: And then the next entry is, "Phoned Sue," and it's been suggested that might be "LM," message. And then there's a note from May the 13th, the next day, and it reads: "Sue—Evelyn wants to see compliance report before a meeting is set up. Said I would talk to Marc and call her back."

Ms Lott: Okay. That does help my memory in the sense that I did say that I recalled speaking to Evelyn at some point about the compliance review, so it was—if my memory serves me, it would have been in the context of Evelyn saying, "I would like to look at the compliance report first before a meeting is set up."

Ms Cronk: All right. Then with those two entries in mind, do you now recall speaking to the minister about a meeting and taking from that discussion that she wanted to see the report before a decision was made on that?

Ms Lott: Yes.

Ms Cronk: All right. And did Ms Ridley at this time, in these discussions, Ms Lott, as you recall events, tell you that Sharron Pretty felt it was too late for a meeting and that the matter had gone to court, or was going to court on June 2?

Ms Lott: Yes, I do remember that.

Ms Cronk: And did she tell you as well the nature of the matter going to court, that is, as indicated at least here in her note, "Illegal refusal to hand over" either agency or something else "documents?" Do you remember her telling you what was going to court?

Ms Lott: I don't remember that, no.

Ms Cronk: Do you remember her providing you with any other details concerning that aspect of it, that is, what was going to court?

Ms Lott: No, I don't.

Ms Cronk: Do you remember being told by her at that time who it involved, who the court matter involved, whether it was Sharron Pretty, directors of the Van Lang Centre, the ministry, the minister?

Ms Lott: I don't recall that, no.

Ms Cronk: Just so that I'm clear, are you saying you don't recall one way or the other or are you saying that she didn't give you any information about that?

Ms Lott: I don't think she gave me any information about that.

Ms Cronk: Looking back on it now and with the assistance of this e-mail in front of you, did you have any knowledge, prior to this point, of Sharron Pretty going to court about any matter relating to the Van Lang Centre?

Ms Lott: No, I didn't.

Ms Cronk: Did you pass that information on to the minister?

Ms Lott: I don't recall speaking to Evelyn about the issue of a legal action, no.

Ms Cronk: If you went to the minister, as this note suggests, and asked her about arranging a meeting, and took away from the discussion the fact that she wanted to see some background documentation before the meeting was arranged, and if you did so as a result of a request with Karen Ridley, as this would appear to be suggesting and as I think you've confirmed, and she told you of a legal action in the context of making that request, would you agree with me, in your view, looking back on it, isn't that the kind of information you would have communicated to the minister?

Ms Lott: It's possible, yes.

Ms Cronk: It's contextual for the need for a meeting, isn't it? I mean, it sort of provides a context as to why Ms Ridley was making the request or asking you to speak to the minister?

Ms Lott: Well, her request certainly was outstanding over a number of months.

Ms Cronk: Yes.

Ms Lott: So there was the larger context, definitely.

Ms Cronk: And the larger context relates to the suggestion earlier in the month of April and the e-mails that we looked at about indecision about the meeting, to meet or not to meet, for example, as one of the e-mails suggests.

Ms Lott: That's correct, yes.

Ms Cronk: But I guess what I'm—

Ms Freya Kristjanson: Ms Cronk, could we take a brief recess at this point?

Ms Cronk: Yes. Mr Chair, if that's acceptable to the committee.

The Chair: Are you ready to recess?

Ms Cronk: Yes, we've been requested to recess. That would be just fine.

The Chair: Okay. Recessed for five minutes.

The committee recessed from 1015 to 1030.

The Chair: The committee will come to order and we'll resume the questioning of Ms Sue Lott by legal counsel, Ms Cronk.

Ms Cronk: Thank you. Ms Lott, we're still at tab 38. Could I take you back to the sequence of entries in this note, because I may inadvertently have put a suggestion to you that was incorrect. There's no mystery in it. Ms Kristjanson and I have had a discussion, and I think fairly I should go back and go over this again with you. All right?

Ms Lott: Okay.

Ms Cronk: In terms of the sequence under the date of May 12th, 1994, the first entry suggests that Sharron Pretty called the writer, who we understand to be Karen Ridley, and indicated that she wasn't happy and that she would—sorry, that Ms Pretty indicated to Ms Ridley that she was not happy, that Ms Ridley said that she would talk to ministry staff and get back to Sharron Pretty. Would you agree with that so far?

Ms Lott: Yes.

Ms Cronk: All right. Then there's really a second entry, although it's not numbered differently, by Ms Ridley indicating that she called you at the constituency office. Correct?

Ms Lott: Yes.

Ms Cronk: And that you indicated to her, I suggest, that you would "talk to Evelyn to see about setting up a meeting with Sharron, MOH staff and"—it's either "her," meaning the minister, or "how soon." It depends on what that word is. Does that look correct to you so far?

Ms Lott: That's the part—I don't recall that.

Ms Cronk: Okay. You don't recall which part of it?

Ms Lott: "Called Sue at" constituency office and that I said I would "talk to Evelyn about setting up a meeting with Sharron, MOH staff and her"—I'm still not clear about that last word again.

Ms Cronk: Yeah, I'm not either. I don't think anything turns on it. It either refers to the minister, "her," or a timing element, how quickly.

Ms Lott: Yeah.

Ms Cronk: My point is this: Would you agree with my interpretation that it looks like she speaks first to Sharron Pretty, then she calls you, if this note is correct, and has a discussion with you, and you say that you'll talk to Evelyn and effectively get back to her. That's the import of that line?

Ms Lott: Yes. I agree that that's what the line says, yes.

Ms Cronk: Then looking at the next line, it says, "Called Sharron to say Sue would be in touch soon." That suggests to me that Ms Ridley then, after speaking with you, calls Ms Pretty back and has a further discussion with her. Is that a fair reading of the note?

Ms Lott: Yes.

Ms Cronk: And that would mean, does it not, that it is in that conversation that Ms Ridley learns from Ms

Pretty what's then written down. "She feels it's too late—going to court June 2—illegal refusal to hand over...documents." Do you see what I'm getting at?

Ms Lott: Yes, I do.

Ms Cronk: Because on that interpretation, it would mean that when she first spoke with you and you undertook to speak to the minister, she may not—"she" meaning Ms Ridley—may not have learned yet from Sharron Pretty that there was a court action. And if that's the case, it would mean that you didn't have that information at that point to communicate to the minister.

Ms Lott: That's correct, yeah.

Ms Cronk: And then if we continue on, however, in the entries, it appears that in that second conversation with Sharron Pretty, Karen Ridley said that she would relay that information to you. The last line is, "Said I would relay this to Sue." Do you see that?

Ms Lott: Yes.

Ms Cronk: All right. And then the next entry is, "Phoned Sue. LM"—which may mean "leave message"—and then there's the entry for May 13th. Do you see that?

Ms Lott: Yes.

Ms Cronk: All right. So going that far, would you agree with me—and please tell me if you don't, all right?—that it looks like Ms Ridley had a discussion with Sharron Pretty, learned she wasn't happy and said, "Look, I'll speak to ministry staff and get back to you." Then she calls you at the constituency office, you have a discussion, you indicate to Karen Ridley that you'll talk to Evelyn and get back to her. Ms Ridley then calls Sharron, learns some additional information, specifically about a legal action going to court June 2nd, and some information about what that involved, and she tells Sharron Pretty that she would relay that information to you, and then she calls you back, but it looks like she doesn't get you and she leaves a message. Would you agree with that so far?

Ms Lott: Yes.

Ms Cronk: Then if we look at the next entry for May 13th, it appears that you do speak with Karen Ridley on that day, and you tell her that Evelyn, meaning the minister, "wants to see the compliance report before a meeting is set up" and that Ms Ridley said that she would talk to Marc and would call you back. Do you see that?

Ms Lott: Yes.

Ms Cronk: Do you recall whether in that discussion on May 13th, because that's the entry that jogged your memory, whether Ms Ridley told you then the information that had been relayed to her by Sharron Pretty, namely, that Ms Pretty thought it was too late for a meeting, that the matter was going to court June 2 and that it involved an illegal refusal to hand over documents? Do you remember if she told you that at that point?

Ms Lott: I wouldn't have taken—I remember having, the only information having at hand in my discussion with Evelyn being she was not willing or felt that she should set up a meeting without having seen the compliance review.

Ms Cronk: So should I take from that that you don't remember whether Ms Ridley gave you that additional information at that time on May 13th?

Ms Lott: My understanding is that she didn't give me that information at that time.

Ms Cronk: Do you remember that she didn't?

Ms Lott: Yes.

Ms Cronk: Would you agree with me that, at least in terms of what Ms Ridley said to Ms Pretty, she was suggesting to her, Sharron Pretty, that she would relay the information to you?

Ms Lott: Yes.

Ms Cronk: You're saying that you remember that she didn't?

Ms Lott: No, I'm saying that she didn't relay that information to me at that time.

Ms Cronk: All right. Meaning May 13th?

Ms Lott: That's right.

Ms Cronk: Did she subsequently?

Ms Lott: Yes. I do remember having a subsequent conversation with her about Sharron Pretty indicating to her that it was past the point of a meeting being useful, since she had launched some kind of legal action.

Ms Cronk: When was that discussion?

Ms Lott: I don't recall that date.

Ms Cronk: Was it before June, when you told the committee that you learned of the proposed meeting?

Ms Lott: Yes, it would have been before June.

Ms Cronk: All right. So in that second discussion, let's focus on that one for a moment, between yourself and Ms Ridley, did she provide you with any detail about the nature of the action?

Ms Lott: No, she didn't.

Ms Cronk: Do you remember whether she told you there was some suggestion of illegal denial of access to documents?

Ms Lott: I don't recall that.

Ms Cronk: Again, you're saying you don't recall one way or the other, or you recall that she didn't say that?

Ms Lott: I only remember a legal action, where you're taking away an understanding of a legal action, not any specifics.

Ms Cronk: Not any specifics?

Ms Lott: No.

Ms Cronk: Okay. So do I take from that that you have no recollection of having been told who it involved or anything else about the nature of a legal action?

Ms Lott: That's right.

Ms Cronk: All right. So that some time between May 13th and around the beginning of June—because I think you told me it was around the beginning of June that you learned of a proposed meeting, is that right?

Ms Lott: Yes, that Evelyn indicated when she was in the constituency office that she wanted to set up a meeting.

Ms Cronk: All right. So some time in that interven-

ing period, those two weeks, you had a second discussion with Karen Ridley and you learned there was some kind of a legal action initiated by Sharron?

Ms Lott: That's correct.

Ms Cronk: Was it your understanding that it related to the Van Lang matter?

Ms Lott: Yes.

Ms Cronk: Did you have any understanding as to whether it related to the Ministry of Housing or the minister?

Ms Lott: No, only that it related to the Van Lang Centre.

Ms Cronk: Did you, when you learned that information from Ms Ridley, tell the minister about it?

Ms Lott: I don't recall speaking to Evelyn about that, no.

Ms Cronk: Again, when you say you don't recall, do you remember one way or the other?

Ms Lott: No, I don't.

Ms Cronk: All right. So it's possible that you did, but it's possible that you didn't?

Ms Lott: That's right.

Ms Cronk: These conversations with Ms Ridley, we know at least one of them took place on May 13th, unless Ms Ridley's note about that is wrong. I take it you have no reason to believe that or to suggest that.

Ms Lott: To disbelieve it, no. That's right.

Ms Cronk: Then we know there's a second one some time between May 13th and the beginning of June. In that period of time, did you hear from Sharron Pretty?

Ms Lott: Yes. I did get a phone message from her, and I phoned her back.

Ms Cronk: All right. Could I ask you to look at tab 48, please. Do you have that?

Ms Lott: Yes.

Ms Cronk: This is, I've suggested and other witnesses have—they of course don't know, because it's not their document, but they have agreed thus far that it appears to be a photocopy of the front and back of a telephone slip.

Ms Lott: Yes.

Ms Cronk: Is that what it is?

Ms Lott: Yes.

Ms Cronk: It was a message that you received that a call had come in for you from Sharron Pretty?

Ms Lott: That's correct.

Ms Cronk: It's dated May the 19th—I take that to be 1994?

Ms Lott: That's correct.

1040

Ms Cronk: All right. Without reading the phone number that appears on the front page of the telephone slip, could you just read to the committee what that says.

Ms Lott: It says "June 2nd" on the left-hand side under the number. "Marc getting compliance report. Board has gone against"—now, that's hard to read. I

actually do have the original.

Ms Cronk: Do you have it here with you here?

Ms Lott: Yes.

Ms Cronk: Could I see it, please?

Ms Lott: Yes.

Ms Cronk: It looks to me like where you started to write the word "corporations" and it got crossed out and wrote "Corporations Act."

Ms Lott: Yes.

Ms Cronk: We're just looking at the original. Could you tell the committee what the front of it says, please.

Ms Lott: It says, "June 2nd," and then on the right-hand side it says, "Marc getting compliance report," and then beneath that, "Board has gone against"—and it looks like "complan"—I can't really read that, but then I have "Corporations Act."

Ms Cronk: Would that be "compliance," perhaps?

Ms Lott: Could be, yes.

Ms Cronk: And is there anything further, apart from the phone number on the front of it?

Ms Lott: No, just some doodling.

Ms Cronk: What does it say on the back?

Ms Lott: On the left-hand side it says, "Crown attorney," and then it says, "It had gone further than"—and I've scribbled out what was "having a"—and then beneath that it says, "past the point of a meeting"—that's my short form for meeting—"being effective, but that Karen Ridley told her she thought it was still important that a meeting occur."

Ms Cronk: All right. And is that your handwriting on both the front and back?

Ms Lott: Yes, it is.

Ms Cronk: Are those notes that you made during the telephone conversation with Sharron Pretty?

Ms Lott: That's correct.

Ms Cronk: Do you have an independent recollection of this discussion?

Ms Lott: I only recall, during the course of that discussion, that she mentioned the issue of a legal action.

Ms Cronk: And with this telephone slip in front of you, would it be fair of me to suggest that she gave you some details about that legal action?

Ms Lott: I don't think that would be fair to suggest that.

Ms Cronk: Okay. June second, for example, would that not relate to the legal action?

Ms Lott: It could, yes.

Ms Cronk: You're saying you're not sure.

Ms Lott: I'm not sure, no.

Ms Cronk: And "board has gone against Corporations Act"—doesn't that suggest that she—

Ms Lott: Yes, it does.

Ms Cronk: —related that to legal action?

Ms Lott: Yes.

Ms Cronk: So it's in that sense that I meant that she provided you some details.

Ms Lott: Yes.

Ms Cronk: And then on the back of the note, she was also telling you that she thought events were past the point of a meeting.

Ms Lott: Yes.

Ms Cronk: I take to be a meeting with the minister—

Ms Lott: That's right.

Ms Cronk: —being effective? She was questioning the utility of meeting with the minister at that point?

Ms Lott: That's correct.

Ms Cronk: And then she was relaying to you that Karen Ridley had told her, Sharron Pretty, that she, Karen Ridley, thought that it was still important that a meeting take place?

Ms Lott: That's correct.

Ms Cronk: And clearly something was said about a crown attorney?

Ms Lott: That's correct. Yes. There's a notation there.

Ms Cronk: Suggesting, would it not, that something was said in the context of your discussion about the legal action relating to the crown?

Ms Lott: Mm-hmm.

Ms Cronk: All right. Again, there's no mystery or magic to this. Ms Lott, have you been informed that that telephone discussion between Ms Pretty and yourself was taped?

Ms Lott: I wasn't at the time. No.

Ms Cronk: Subsequently, have you learned that?

Ms Lott: Yes, I have.

Ms Cronk: And I take it from what you just said that you didn't know it was being taped during the course of the discussion?

Ms Lott: No, I didn't.

Ms Cronk: And have you been provided with a copy of the transcript of that discussion—

Ms Lott: Yes.

Ms Cronk: —and had a chance to read it?

Ms Lott: Yes.

Ms Cronk: And have you reviewed it?

Ms Lott: Yes. I would like to see it again, though.

Ms Cronk: That is—do you have a copy?—exhibit 5. Is this the transcript that you reviewed?

Ms Lott: Yes, it is.

Ms Cronk: All right. And for the benefit of the committee, exhibit 5 should be the version of the transcript prepared by your counsel's offices. I'd just like to ask you a few questions about this conversation.

Ms Lott: Yes.

Ms Cronk: First, does the transcript, having had a chance to review it, in your view represent an accurate rendition of what was discussed between Ms Pretty and yourself on May 19th?

Ms Lott: Well, I certainly can't verify as to its accuracy, but I wouldn't disagree that it reflects the general nature of a conversation we had.

Ms Cronk: All right. I understand what you're

saying, that you're not in a position personally, not having prepared the transcript—

Ms Lott: Exactly.

Ms Cronk: —or heard the tape—

Ms Lott: Yes, that's right.

Ms Cronk: —to verify in every detail its accuracy.

Ms Lott: Yes.

Ms Cronk: But you're accepting that it reflects the conversation?

Ms Lott: That's right. The only thing I would suggest: Are we only dealing with, I guess, the first conversation, and the second conversation—

Ms Cronk: I just going to put that to you. Does the transcript suggest that there were in fact two conversations between you on May 19th?

Ms Lott: Yes.

Ms Cronk: All right. We'll come to that and I'll take you through it. All right?

Ms Lott: Okay.

Ms Cronk: Just dealing then with the first transcript, the portion of the transcript dealing with the first telephone conversation, if I could ask you to look at the—we should look first at the first page.

Ms Lott: Yes.

Ms Cronk: It appears that you called Sharron Pretty. Would you agree?

Ms Lott: Yes. I was returning her call.

Ms Cronk: All right. Her call being the one reflected in your telephone message slip?

Ms Lott: That's right. Exactly.

Ms Cronk: And then over on page 2, the first lengthy paragraph, about halfway down the page, attributes the following comments to you and to Ms Pretty, and I'd like to review them with you. You understand that "L" refers to your voice, and "P" to Ms Pretty's?

Ms Lott: Yes.

Ms Cronk: This is a comment attributed to you: "Okay. Now I am confused because my last, uh, conversation with Karen about this, my understanding was that, and I have to say I've been waiting for direction from her staff in Toronto on this, ah is, was that you did not want a meeting because you're launching a, a legal action and that it was too late to have a meeting at this point."

"Ms Pretty: And she, she urged me to.

"Ms Lott: Is that not in fact true, or?

"Ms Pretty: Well yes. It's going to court.

"Ms Lott: Yeah. Okay.

"Ms Pretty: It's, it's going to be, uh, the, the crown is pressing charges against, uh, the board members."

And then you say "Okay." Ms Pretty says "For..." and you say, "So has that, has that already commenced?" And she says: "Well, the everything is, is, wh—wh—pardon me, ready and waiting. It's supposed to happen on June 2nd as a first hearing."

Okay, stopping there for a moment, it appears from this, Ms Lott, that you first raised with Ms Pretty your

understanding that she was launching a legal action and that she, Sharron Pretty, had expressed the view that it was too late to have a meeting at this point.

Ms Lott: That's correct.

Ms Cronk: And I take from it that that's confirmation of what you've told the committee of your recollection, that Ms Ridley had in fact told you that, that there was a legal action.

Ms Lott: Yes.

Ms Cronk: And implicitly, or I suppose explicitly, that it was Ms Pretty who was launching a legal action.

Ms Lott: Yes.

Ms Cronk: And that it was clearly connected with Van Lang because it was related to the utility of having a meeting with the minister.

Ms Lott: That's right.

Ms Cronk: And then Ms Pretty is telling you that Ms Ridley urged her to have the meeting. Is that correct?

Ms Lott: Yes, she is telling me that.

Ms Cronk: And Ms Pretty went on to tell you that it was going to court, that the crown was involved and was pressing charges against the board members.

Ms Lott: That's correct.

Ms Cronk: So you learn from that line first that the crown is involved and is proceeding to press the matter, press charges, and that those charges are against the board members. Is that fair?

Ms Lott: That's what she said.

Ms Cronk: So you're getting additional information here that you didn't have before.

Ms Lott: Yes.

Ms Cronk: And would you agree with me that your telephone message slip is consistent with some of that in the sense that it records you wrote down the words "crown attorney"?

Ms Lott: Yes.

Ms Cronk: All right. And you also wrote down that the board was not complying with the Corporations Act, so there was a reference to the board at Van Lang.

Ms Lott: Yes.

Ms Cronk: All right. And then she also mentions a court date and tells you that everything was ready and it was supposed to happen as a first hearing on June 2. So now you learn the date, right?

Ms Lott: That's correct.

Ms Cronk: And over on page 3 the conversation continues as follows:

"Ms Lott: That has been, you've got a hearing date. Is that right?

"Ms Pretty: Yup.

"Ms Lott: Okay. Well then, if you're in, in, in the process of a legal action, it would be very difficult for Evelyn to meet on this one.

"Ms Pretty: Mm-mm.

"Ms Lott: That would put her in a, in a potentially difficult position...

"Ms Pretty: Mm-mm.

"Ms Lott: —as the minister."

So what you're saying is: "That would put her in a...potentially difficult position as the minister. So you're, did she make you aware of that?"

"Ms Pretty: No she didn't.

"Ms Lott: Okay.

"Ms Pretty: No, this is the first time I have heard of this.

"Ms Lott: But you didn't indicate to her that you didn't want to have a meeting because of the decision to launch a court action?

"Ms Pretty: Well, I...

"Ms Lott: That was her clearly impression.

"Ms Pretty: I, I, I said to her that I, uh, felt that it had gone further than, you know, just having a meeting with Evelyn. Evelyn had had plenty of time to have a meeting with me and with Trinh Luu before this and she hadn't. So, um, you know, it was...

"Ms Lott: Mm-mm.

"Ms Pretty: I felt it was past that point.

"Ms Lott: Mm-mm, okay."

Just stopping there for a moment, would you agree with me that this text suggests that you told Ms Pretty that because of what she had just told you—namely, that the legal action involved the crown pressing charges against the board members, that it was ready to go and there was a hearing date and that it was June 2; she'd just told you all of that—that because Ms Pretty was in the process of a legal action, it would be very difficult for the minister to meet with her on the Van Lang matter? Is that fair?

Ms Lott: Could you repeat your question?

Ms Cronk: I'm not sure I can. Let me try it a different way.

Ms Lott: Okay.

Ms Cronk: She told you a number of things. I'm suggesting to you that you were getting additional information about the court action in this conversation, and the additional information included the fact that there was a court date on June 2, that the crown was involved, thirdly, that the crown was pressing charges, and fourthly, that it was against the board members of Van Lang. And you appear from this text to have then said to her, in light of that part of the discussion: "Well, then, if you're in the process of a legal action, it would be very difficult for" the minister "to meet on this," meaning, I suggest, very difficult to meet with you on the Van Lang matter, given those facts.

1050

Ms Lott: I don't agree with the part that it was—that I was making connections of all those three events. I was concerned only because I heard that it was a legal action.

Ms Cronk: I see.

Ms Lott: I didn't have any specific knowledge of what the implications were of all those individual items she was presenting to me.

Ms Cronk: I understand what you're saying to me.

All right. So when you said to her, "Well, then, if you're in the process of a legal action, it would be very difficult for Evelyn to meet on this one," should I take from that that the fact of a legal action being in progress was itself enough for you to say it would put the minister in a very difficult position to meet on this?

Ms Lott: That's correct.

Ms Cronk: Right. So you didn't have in your mind any implication about the involvement of the crown or the fact that there was a fixed court date or the fact that it was against the board; you were reacting to it's a legal action and that's going to make it real—"very difficult," in your words, "for the minister to meet."

Ms Lott: That's right.

Ms Cronk: Then you went on to say that that would put her, meaning the legal action, I take it—is that what you're saying to me?

Ms Lott: Yes.

Ms Cronk: —would put her in a potentially difficult position as the minister. Correct?

Ms Lott: Yes.

Ms Cronk: And again, are you saying that the fact of the legal action without all of the other details she'd given you was enough for you to be saying that's going to put her in a potentially difficult position as the minister on a meeting?

Ms Lott: That's correct.

Ms Cronk: So as far as you were concerned, that was enough to give rise to that potential difficulty?

Ms Lott: That's correct.

Ms Cronk: Again, you're talking about whether it's going to be possible for the minister to meet in the circumstance, the circumstance being there's a lawsuit?

Ms Lott: That's correct.

Ms Cronk: Then you go on to say, did Ms Ridley "make you aware of that?" In effect, you're saying to Ms Pretty: "Did she make you aware of that? Did Ms Ridley tell you that?" Am I right so far?

Ms Lott: Yes.

Ms Cronk: Her reply is no, Ms Ridley didn't tell me that. "No she didn't." Right? She goes on to say, in effect "This is the first time I'm hearing about this." Right? Have I got the temper of this right?

Ms Lott: Yes.

Ms Cronk: Then you go on to inquire and push her a bit and say, "But you didn't indicate to her that you didn't want to have a meeting because of the decision to launch a court action?" Right? And you say and you sort of emphasize that by saying "That was her clear impression," that was Ms Ridley's clear impression. Am I right?

Ms Lott: Yes.

Ms Cronk: Again, what you're emphasizing there was that it was your understanding that she didn't want to have a meeting because of the decision to launch a court action. Again what you're talking about is the fact of a court action, without more.

Ms Lott: That's correct.

Ms Cronk: Then she says to you that she told Ms Ridley: "I said to her that I felt it had gone further than, you know, just having a meeting with" the minister. "Evelyn had had plenty of time to" meet "with me and with Trinh...before this and she hadn't," and then her voice sort of trails off. Right?

Ms Lott: Yes.

Ms Cronk: She confirms that she felt it was past that point, and I take that to be the point of having a meeting. Am I treating this fairly so far?

Ms Lott: Yes, I think you are.

Ms Cronk: And then on the back of the telephone slip that you wrote, you confirm that she told you in this conversation that she thought it was past the point of any effective purpose in having a meeting. Is that correct?

Ms Lott: Yes.

Ms Cronk: Then we go over to the top of page 4. Just to read it to you again, and then we'll look at it, Ms Pretty says: "But she, she urged me, she said, uh to, she was going to try anyway, and uh, she said she felt it was important that I do meet with her and, and so I was waiting."

And you say: "I see, okay. That was the last, your impression of the conversation.

"Ms Pretty: Mm-mm, Mm-mm.

"Ms Lott: Okay, well, as I said, I'm, uh, not the final arbiter on this one. I have to get direction from her staff in Toronto. So I will get back to them. But the, uh, fact of the matter, I think the bottom line here though is, if there is in fact legal action that's been commenced at this point, then that's going to make it very difficult to Ev, for Evelyn to have a meeting."

Just stopping there for a moment, based on the language that appears here, the text here—and I take it you have no quarrel that this is accurate, so far, of what had been said.

Ms Lott: Yes.

Ms Cronk: Based on this language, what you appear to be saying was: "Look, I don't make the final decision on this. I'm not the final arbiter on this. I have to get direction from her staff in Toronto, but I'm telling you that the bottom line is that in fact if there's been a legal action that's been commenced at this point, then that's going to make it real difficult for Evelyn to meet with you." That's really what you're saying here, right? Again, it's the fact of the legal action having been commenced, without more, at least in your mind.

Ms Lott: That's correct.

Ms Cronk: And then you go on to say: "That just puts her at a, in a legally, a very awkward position. We, uh, anybody who's involved in a, in a process of some kind of a legal action that would involve the provincial ministry would uh, you know, we can't set up a meeting in those cases."

Then Ms Pretty says: "It doesn't...involve the provincial ministry. It involves the board of directors."

And you say, "But it, it's a crown attorney..."

Ms Pretty says, "Right."

And then you say, "...that's involved."

So what you're really saying—you get interrupted a bit, but you're saying, "But it, it's a crown attorney that's involved." Right?

And then she says "Yes."

And you say, "Yup and that's, that's provincial."

Now, stopping there for a moment, in the middle of the page, what you appear to be reiterating, saying again, is the fact that a legal action having been commenced puts her, the minister, in a legally very awkward position.

Ms Lott: That's correct.

Ms Cronk: That's what you were saying?

Ms Lott: Yes.

Ms Cronk: Then you go on, and I suggest you introduce something new at this point. What you say is: "Anybody who's involved in a...process of some kind of a legal action that would involve the provincial ministry would, you know, we can't set up a meeting in those cases."

And she says, "It doesn't...involve the provincial ministry. It's the board of directors."

So just stopping there for a moment, you seem to be suggesting, "If it's a legal action involving a provincial ministry, we can't do a meeting." Right? And she says, "But wait a minute, it's not the provincial ministry, it involves the board." And you reply, "But it's a crown and that's provincial."

Am I putting the right tone on that portion of the conversation?

Ms Lott: No, because it puts a tone that I have a sort of special legal knowledge of the significance of the crown attorney, I guess I would say of the significance of the crown attorney, and I don't. I was just noting these words as she said them to me, but I was still responding to the issue of the fact of a legal action that I had been informed about.

Ms Cronk: Okay. I'm not trying to attribute to you any specialized legal understanding here, Ms Lott, but it is important what was in your mind at the time—in my view it's important—and what you were indicating to Ms Pretty.

Ms Lott: I know, and that's what I'm trying to convey to you too, yes.

Ms Cronk: Thank you. The words appear to suggest that you thought it was relevant that there was some provincial connection and the fact that the crown was involved was a provincial connection, that that was enough to be a problem.

Ms Lott: Yes, that was the only connection I was making.

Ms Cronk: But you were also, to be fair to you, saying, "Look, I don't make the final decision, that's up to Toronto, but this is what I think." Right?

Ms Lott: Yes.

Ms Cronk: Then over on page 5, the discussion continues and in fact Ms Pretty sort of raises it.

She says, "I don't know all the legalities there..."

And you say "Yeah."

She says, "But hum um."

And then you say, "I certainly don't know them either. But that's my understanding at this point..."

Ms Pretty: Hm.

Ms Lott: that it would put Evelyn in a potentially difficult position."

And then Ms Pretty goes on to say, "I think she's in a, kind of a pretty tight spot right now if she doesn't talk to us.

Ms Lott: Well, as I said, I, I don't, you know I'm not, I don't give legal advice to the Ministry of Housing.

Ms Pretty: No. I know.

Ms Lott: By any means.

Ms Pretty: I'm just letting you know what the reality is here."

And you respond, "Mm-mm."

If I suggest to you that what you're saying to Ms Pretty at this point is that you don't provide legal advice to the Ministry of Housing and that you don't know all the legalities, in the same way that she was saying that she didn't know all the legalities, but you reiterate to her your own understanding and that was that it would put Evelyn in a potentially difficult position to meet, is that a fair interpretation of it?

Ms Lott: Yes.

Ms Cronk: So as far as you were concerned, the fact that there had been a legal action commenced was in your view sufficient that it would put Evelyn, the Minister of Housing, in a potentially difficult position and might make it very difficult, to use your words, for her to have a meeting with Sharron Pretty.

Ms Lott: That's correct.

Ms Cronk: And again, as far as you were concerned, the fact that a crown attorney was involved was some provincial connection.

Ms Lott: It was vague in my mind. It's just the provincial connection that I was making.

Ms Cronk: Then over on page 6, you indicate that you would get her staff, meaning the minister's staff, to talk to her, is that correct?

Ms Lott: Mm-hmm.

Ms Cronk: And then the conversation essentially concludes? I'm sorry, I think you've got to say yes or no for Hansard.

Ms Lott: Yes.

Ms Cronk: Then there's a second conversation. It looks to me as if Sharron Pretty calls you back. Is that what happens?

Ms Lott: Yes, within a very few minutes or within minutes.

Ms Cronk: Within minutes?

Ms Lott: Yes.

Ms Cronk: And in that second conversation, if we look at page 7, she, it appears to me, is communicating to you something that she regards as being quite important and a key issue—that's her language, not mine—that it was very important and a key issue and that she'd

neglected to tell you in the first call. Is that right?

Ms Lott: Yes.

1100

Ms Cronk: And in the first lengthy paragraph in the middle of the page, what she is telling you in that is—it reads as follows:

“And that is when you, when you said that, that, um, you know, Evelyn can’t intervene at this point because it’s gone to court and everything else. The thing that I should have thought of at the time to tell you, is that, uh, what has gone to court is, is problems that the board has, um, has gone against the Corporations Act. But we want to meet you and discuss, uh, problems with the compliance review, and uh, and uh the access issues, the core issues that we’ve always been trying to, to meet with Evelyn and discuss, and, and ah, you know, that’s your responsibility.”

So stopping there for a moment, if I suggested to you that what Ms Pretty was saying was that, “Look, if you’re telling me that the minister can’t intervene at this point because it’s gone to court, you should understand that what’s gone to court is problems with the board and problems with the Corporations Act, and what we want”—meaning Ms Sharron Pretty wanted—“was to meet and discuss the compliance review, access issues,” what she called the core issues with respect to Van Lang that she’d been trying to meet the minister on for some time, right?

Ms Lott: Yes.

Ms Cronk: And she asserts that that’s the responsibility of the minister; that’s your responsibility?

Ms Lott: She’s saying it’s my responsibility, but—

Ms Cronk: Sorry. Did you understand her to mean you personally?

Ms Lott: I wondered if at the time she thought that that was my responsibility, yeah.

Ms Cronk: Oh, I see. And then you are recorded as having replied as follows: “Yeah, but,” and then there’s a square-bracketed indication meaning that there’s laughter on the phone, ascribed to you.

Ms Lott: Yes. I didn’t—I don’t recall. If there is laughter there, it was not laughter that I was making light of our conversation. I was taking it very, very seriously. It was probably nervous laughter, or a frustrated laughter.

Ms Cronk: All right.

Ms Lott: I had spoken to her at some length just minutes before, and I thought I had outlined, you know, in a number of different ways my concern about the difficulty of setting up a meeting, and then to have her phone back within minutes was certainly surprising and a bit frustrating.

Ms Cronk: She’s pushing, isn’t she?

Ms Lott: Yes. Yes.

Ms Cronk: And she’s saying: “Look, you got the facts wrong. This law suit involves the board and the Corporations Act, and we want to meet with Evelyn, and what we’ve been trying to get a meeting on are the core issues: access issues, the compliance review.”

Ms Lott: Yes, and if I might also say, I guess my other frustration was that I felt again that my role here was that I was going to take down her outstanding concern about still not having a meeting, but that I had no part in making that decision and that I had affirmed to her that, yes, there would be a follow-up there and somebody would get back to her about that, about that still being an outstanding issue in her mind. I had felt that that was clear and that she had understood that when we ended the conversation, that that was my role, that it was clear that I was going to be following up on that and somebody would be responding to her. So I was confused as to why she was still calling me back and starting to relay more information to me. It was not clear in my mind as to why she would be doing that.

Ms Cronk: Wasn’t she just trying to push the point of a meeting? Wasn’t she trying to persuade you it was okay for a meeting to go forward?

Ms Lott: But I had already made it clear to her that I was not the person that would make that decision, that I would only convey the question of having a meeting back to the people that would make that evaluation, that I didn’t make that evaluation.

Ms Cronk: Well, could it be simply that Ms Pretty understood that if you were going to communicate the information and that that would have a bearing on whether a meeting took place, she wanted to make—there’s a couple of ways I could say this to you, but she was essentially providing you with information that she hoped would favourably influence a decision about a meeting: that she wanted to meet on something different.

Ms Lott: Possibly. I guess we’re probably speaking now as to her motives, and I can’t suggest to you as to what those would be.

Ms Cronk: That’s fair. That’s fair, Ms Lott. Okay, after she tells you this, whatever her reason and however frustrating it was for you, you were then recorded as having said as follows:

“Yeah, but [laughter] the, the fact of the matter is though, Sharron, when you’re dealing with the provincial minister, and you’re dealing with somebody who’s launching a court action that involves the province of Ontario, that just creates a scenario that makes it very difficult for a provincial politician, ministers of the crown to get involved. It’s not a question of, you know, we don’t want to do it. It becomes a question of, uh, she might not be able to, to set up a meeting.”

And then Pretty says, “You don’t know that for sure yet.”

And you say: “I don’t know that for sure. But that’s what I am warning you about. And that’s what I’m going to talk to her staff about.”

Now, just stopping there for a moment, was that your view that you just expressed in that passage to Ms Pretty?

Ms Lott: Yes, but my view is really—it essentially shows my limited understanding of legal action and of legal issues. I was trying to ascertain in fact whether a court action could possibly be a federal court action as opposed to a provincial court action, and in that sense, making the connection of whether, if it was provincially

related—and, again, I reiterate that I don't have any legal background here, which is evident from what I'm explaining to you, but this was my thinking. I was making the connection between what was a provincial legal matter and establishing that, being that provincial politics being Evelyn's purview and she being a provincial politician.

Ms Cronk: I see. With that context in mind, what you said to Ms Pretty was that somebody who launches a court action that involves the province of Ontario sets up a scenario or a situation where it's "very difficult"—again, your words, "very difficult," not mine—

Ms Lott: That's right, yes.

Ms Cronk: —for a minister of the crown to get involved. That's all you were saying.

Ms Lott: Yes, yes. That's right.

Ms Cronk: What I'm suggesting to you is that was your view at the time. That's the way you expressed it.

Ms Lott: That's right, yes.

Ms Cronk: You'd previously said to her that the connection with the province, as you saw it, was the fact that a crown attorney was involved.

Ms Lott: That I was not also clear about as well. She had told me about a crown attorney and I guess I had understood that there are provincial crown attorneys as opposed to, you know, a federal crown attorney. Again, this points to my lack of knowledge of legal matters.

Ms Cronk: Ms Lott, I should make clear to you that—you are not legally trained, as I understand it, right?

Ms Lott: No, not at all.

Ms Cronk: That may be a blessing. Some would regard it as a blessing, some wouldn't. You have not attended law school? You haven't had any particular even informal training in legal matters?

Ms Lott: That's true. That's right.

Ms Cronk: I'm not, by my questions, suggesting that you do, all right? But I do think it important that the committee understand what you were saying to Sharron Pretty and at least what you, as one of her constituency people, thought at the time when you learned this.

Ms Lott: Yes. That's right.

Ms Cronk: What I'm saying to you is that when you talked about a court action involving the province of Ontario, you'd already told her that because it's a crown attorney, that's provincial. That's what you meant by the provincial connection, wasn't it?

Ms Lott: Yes.

Ms Cronk: Then over on the next page, page 8, Ms Pretty says: "Okay. Well I just wanted to clarify what the meeting, what..." You say: "It goes beyond at this point of being an issue of want and don't want. It's, it becomes an issue of what prevents the minister from doing it."

So stopping there for a moment, what you were saying there, I suggest, is that there are circumstances in which a minister could be prevented from doing it, meaning having a meeting, and that this, a legal action commenced in the courts, might be one of them.

Ms Lott: Yes.

Ms Cronk: Then carrying on, Ms Pretty says, "Well, I felt it was important for you to understand..." Ms Lott: "Sure." Ms Pretty: "if you didn't already, what I was calling about." Then you say, "No, I understand what you are saying..." Ms Pretty: "What the meeting is about."

To read your sentence fairly, in full, you say, "No, I understand what you are saying and there is a difference there in the issues that you want to meet her about." Ms Pretty says, "Exactly."

So stopping there for a moment, you were acknowledging to her what she told you, and that was that she wanted to meet for a different purpose.

Ms Lott: That's correct.

Ms Cronk: Then you say, "But there's still there, it's still a perception of a minister meeting with a group of people that have launched a legal action..." Ms Pretty: "Mm mm." Your reply: "that involves the province of Ontario." Right?

Ms Lott: Yes.

Ms Cronk: That's the exchange.

Ms Lott: Yes.

Ms Cronk: Do I fairly take from that that what you were saying was, in these circumstances, where a legal action has been launched that involves the province of Ontario—and the only thing you've said in this conversation that suggested an involvement with the province of Ontario was the fact that it was a crown attorney—that you were saying that that's a perception problem and that may prevent a meeting?

Ms Lott: Yes.

Ms Cronk: All right. Should I take from that that in your mind at the time, rightly or wrongly, with or without legal training or expertise, what you were saying is the perception of a meeting in these circumstances may prevent the minister from attending?

Ms Lott: Yes.

Ms Cronk: That's what you were telling Ms Pretty?

Ms Lott: Yes.

Ms Cronk: Now, was that your view at the time?

Ms Lott: Yes.

Ms Cronk: Then you conclude the conversation by saying, "Somebody'll get back to you very, very definitely." Right?

Ms Lott: Yes.

Ms Cronk: Have I read that transcript in my questions to you fairly, Ms Lott?

Ms Lott: Yes.

Ms Cronk: Is that what the conversation represented?

Ms Lott: Yes.

Ms Cronk: All right. And do you know whether after that conversation, somebody did get back to her from the minister's office about a meeting?

Ms Lott: I understand that there was a decision made, but it was not conveyed to me.

1110

Ms Cronk: Okay, you've got to help me with that. How do you know it was made if they didn't tell you?

Ms Lott: Because I understood that there had been a decision when Evelyn came down to the constituency office and indicated that she wanted to set up a meeting.

Ms Cronk: I'm sorry. And that was later; that was at the beginning of June, you said.

Ms Lott: That's right, yeah.

Mrs Marland: I couldn't hear that last answer.

Ms Cronk: I said that was later, that was at the beginning of June? I think you said that—

Ms Lott: Yes. That's when I learned it, yes.

Ms Cronk: Okay?

Mrs Marland: Thank you.

Ms Cronk: Did you bring your conversation with Ms Pretty to the attention of the minister after those two calls on May 19th?

Ms Lott: I don't recall.

Ms Cronk: And again, when you say that you don't recall, are you saying you don't recall one way or the other?

Ms Lott: That's right.

Ms Cronk: I assume, Ms Lott, that in coming to give your evidence before the committee, you have replayed these events in your mind, perhaps more than once?

Ms Lott: Yes.

Ms Cronk: Would that be fair?

Ms Lott: Yes.

Ms Cronk: And have thought back on what was or wasn't said—

Ms Lott: Yes.

Ms Cronk: —what did or didn't occur?

Ms Lott: Yes.

Ms Cronk: And would I be fair in suggesting that you've also probably reviewed, and absolutely properly, any number of documents about this?

Ms Lott: Yes.

Ms Cronk: And discussed it with counsel and tried to remember what occurred and what didn't?

Ms Lott: That's right.

Ms Cronk: All right. And having done all of that, recognizing what this transcript suggests of your conversation with Sharron Pretty, would you agree with me, and please tell me if you don't, that that's the kind of discussion that you probably would have brought to the attention of the minister?

Ms Lott: No, I don't agree with you on that.

Ms Cronk: All right, you're going to have to explain to me why.

Ms Lott: The reason being that I had been informed about the legal action already by her staff in Toronto, so I took from that an understanding that there had been discussions at her staff level in Toronto about that issue in relation to the issue of a meeting.

Ms Cronk: Assuming that that's—

Ms Lott: And they were the proper and appropriate people to be speaking about that and to be dealing with that factor involved in a decision to have a meeting or

not have a meeting.

Ms Cronk: And in fairness to you, we know that you did have those discussions with Karen Ridley, so you knew that someone connected with the minister's office in Toronto had information about this.

Ms Lott: That's correct. I had discussions with her in terms of the fact that I was at that point still doing scheduling in the riding office and would be the one to relay to around a decision to have a meeting, had it been made in the minister's office.

Mr Tim Murphy (St George-St David): I'm sorry to interrupt. Are you saying that conversation was after this phone call or before? I didn't—

Ms Cronk: I understood it was before. Is that correct? With Karen Ridley?

Ms Lott: Sorry, which conversation are you referring to?

Mr Murphy: Yeah, well, this is my confusion.

Ms Lott: I know; it's—

Mr Murphy: You said you had a conversation with Karen Ridley, and I guess I'm wondering whether you're referring to the one you had before, or is this a different one after you talked on the telephone to Sharron Pretty on the 19th?

Ms Lott: Well, it would have been the discussion where I learned from her about the legal action.

Ms Cronk: So does that mean you're talking about the one around May 13th and then subsequently?

Ms Lott: After.

Ms Cronk: I think what Mr Murphy may be getting at, if I understand your evidence thus far, is that you've told the committee and we've talked about the phone discussion you had with Ms Ridley on or about May 13th.

Ms Lott: Yes.

Ms Cronk: That's the one in her notes.

Ms Lott: Yes.

Ms Cronk: And then you told the committee that between then and the beginning of June, when you learned of the meeting, you had another conversation with her, right?

Ms Lott: Yes.

Ms Cronk: And I think the question is, did you have this conversation with Ms Ridley before or after this discussion? Did you have the second discussion with Ms Ridley before or after your discussion with Sharron Pretty on the 19th of May, or do you know?

Ms Lott: I think I probably had it in the intervening days before the 19th.

Ms Cronk: Before the 19th.

Ms Lott: Yes.

Ms Cronk: And are you saying to me that because this was something that should be handled out of the minister's Toronto office, and because you knew that they knew about this, you think it's not probable, unlikely, improbable, that you would have raised it with the minister yourself?

Ms Lott: I think it is less likely that I would've in that case.

Ms Cronk: So you're not saying you didn't, you're just saying that it's less likely because of those circumstances?

Ms Lott: Because of those circumstances, yes.

Ms Cronk: All right. I'm obliged to put to you, Ms Lott, assuming all of that's true in the way that you're now telling the committee, and there's certainly support on the documentation for the calls that you've described—all right?—assume that you had in your mind that Toronto knew about this, Ridley was on it, you'd had this conversation with Pretty, but that's not your job, that's their job. I'm saying to you, you've got a woman pressing for a meeting. You now have considerably more detail about the nature of that legal action than you ever had from Karen Ridley, based on what you now recall, and you don't tell the minister?

Ms Lott: Again, I was not the one to make the assessment about, because that didn't mean anything more to me except that she had said, "I have launched a legal action," and for me that was the key piece of information that I wanted to ensure was at the minister's staff level.

Ms Cronk: Okay. And in fairness to you, are you telling me that you didn't tell her or just that you don't remember doing so?

Ms Lott: I don't remember doing so.

Ms Cronk: And you're not going to accept from me a likelihood scenario because you think, given the circumstances you've described, that it was less likely than otherwise that you would have raised it with her.

Ms Lott: That's correct. That's correct. Yeah.

Ms Cronk: I understand that. Did you at any point, however, before the minister's meeting—because we know then that a meeting did take place on June the 10th with Trinh Luu. You're aware of that.

Ms Lott: Yes.

Ms Cronk: And we know as well of the meeting of course on June 17th.

Ms Lott: Yes.

Ms Cronk: That's why we're all here. Did you at any point, before either of those meetings, discuss with the minister what you'd said to Sharron Pretty, that is, that the fact of a legal action in progress might make it very difficult for the minister to meet and that there was also the issue of a perception that it would put a minister of the crown in a difficult position to meet? At any point before those meetings, did you tell the minister that or have a conversation with her about it?

Ms Lott: No, I didn't.

Ms Cronk: And again, I'm obliged to ask you this, Ms Lott: You knew at some point in time that the minister was about to go to a meeting with Sharron Pretty in the month of June. Right?

Ms Lott: Yes.

Ms Cronk: You knew in advance of the meeting?

Ms Lott: Yes.

Ms Cronk: You knew she was going to have a meeting with Trinh Luu?

Ms Lott: Yes.

Ms Cronk: You knew in advance of the meeting?

Ms Lott: Yes.

Ms Cronk: You knew that they had been pushing for a meeting for many months?

Ms Lott: Yes, I certainly knew that.

Ms Cronk: And in the case of Trinh Luu, you knew that she'd been doing that perhaps even longer than Sharron Pretty, in so far as you were aware, since back in the fall. Right?

Ms Lott: Yes.

Ms Cronk: And the minister's about to go into a meeting with Sharron Pretty, and you've had a discussion with Sharron Pretty where you've expressed some views about potential problems associated with that meeting, and you don't tell the minister that?

Ms Lott: Well, that assumes that there is no context here within which I operated, and that's not true. The context I operated in, in her constituency office, was that I was very well aware that there was a contact point on this matter, and there had been for months, in the minister's office, and that was Marc Collins. I also knew that those people met on a regular basis around the sort of regular, scheduled meetings that they had around housing-related issues or housing meetings, so I was comfortable and I thought it appropriate that that issue that lay with her staff was being dealt with by her staff, as they are competent to do.

Ms Cronk: Did you talk to Marc Collins about it?

Ms Lott: No, I didn't.

Ms Cronk: Did you talk to Karen Ridley about it further?

Ms Lott: After the—

Ms Cronk: May 19th talk.

Ms Lott: No, I didn't.

Ms Cronk: Did you talk to anybody on the minister's staff to tell them that you'd had this discussion and the views that you'd expressed to Sharron Pretty?

Ms Lott: No.

Ms Cronk: The only reason I'm putting these questions to you, Ms Lott, is because arguably this goes to the expectations of the people who attended the meeting and what they understood about the meeting, particularly Sharron Pretty. All I'm saying to you is that you had expressed, to a woman who had been dealing with your constituency office, some views, whether they were right or wrong, whether they were legally sound or not, as to whether this was going to be a difficult thing for the minister to do, and you'd made some suggestions to her as to why. I'm just saying, did you tell anybody in Toronto about it or anybody connected with that meeting before the minister walked into the meeting?

Ms Lott: No, I didn't.

Ms Cronk: Thank you. Did you have discussions with the minister, Ms Gigantes, at any point prior to the June 17th meeting about what was going to occur at it or

what was going to be discussed or who was going to be in attendance?

Ms Lott: No, I didn't.

Ms Cronk: Did you have any involvement in arranging that meeting?

Ms Lott: No, I didn't. At that point there was a transition period where I was no longer doing the scheduling, after or around the sort of last week in May.

Ms Cronk: And Ms Moey's back on the scene—

Ms Lott: That's right.

Ms Cronk: —and she's involved. Right?

Ms Lott: Yes, she's full-time, yes.

Ms Cronk: And she goes to the meeting.

Ms Lott: Yes.

Ms Cronk: And you don't.

Ms Lott: That's correct.

Ms Cronk: And "Thank you," she says, exactly; I don't mean to be facetious about it, but you're not at the meeting.

Ms Lott: No, I'm not.

Ms Cronk: Ms Moey is.

Ms Lott: That's correct.

Ms Cronk: All right. After the meeting, did you have any discussion with Ms Gigantes about what had occurred at the meeting, at any point?

Ms Lott: No, I did not.

Ms Cronk: To date.

Ms Lott: No.

Ms Cronk: And did you at any point, Ms Lott, have any contact with the crown attorney or anyone connected with the crown attorney's offices in relation to the actions that Sharron Pretty had commenced?

Ms Lott: No, I didn't.

Ms Cronk: To your knowledge, did anyone in the constituency office of Ms Gigantes?

Ms Lott: Not to my knowledge, no.

Ms Cronk: And to your knowledge, did the minister or anyone in any way connected with her?

Ms Lott: Not to my knowledge, no.

1120

Ms Cronk: Thank you. Those are my questions, Ms Lott, if the caucus members want—

Mr Robert V. Callahan (Brampton South): Mr Chair, before the questioning starts, I didn't want to interrupt the commission counsel's questioning of Ms Lott, but you may recall yesterday that during my cross-examination of Mr Brian Sutherland I inquired about why the memo made on June 17th, immediately after the meeting, was not included in his more detailed statement of July 14th, and he admitted that it wasn't in there. I asked him why. He said because he didn't think it was relevant or important, I think were his words.

I also asked him, was it to be circulated? I've got the Hansard here. Sutherland says, "It was going to be circulated to people who had been actively involved with the file." Can I ask commission counsel—it becomes

particularly important because Marc Collins indicated he'd never seen the document. Can commission counsel find out for us who was in the loop and received the copy of that extended statement? I think it becomes important before we can question—for instance, if I were going to ask questions of—

Ms Cronk: I'd be glad to do that, Mr Callahan.

Mr Callahan: If I were going to ask questions of Ms Lott, I might ask her, but I suspect that it would be more appropriate to ask it of Ms Moey because she was at the meeting and also, I suppose, a person who could be considered to be involved in the file. So I would appreciate it if we can get that as quickly as possible, to determine who was in the loop, who saw the expanded document that was created by Mr Sutherland.

The Chair: Okay, fine. Thank you. I'm going to be starting off with—

Ms Cronk: Sorry, Mr Chair. May I pursue that with the witness? I think I've been asked to do that.

The Chair: Okay. I thought you were going to have to check that out.

Ms Cronk: I'm going to do it right now and right here, if that's okay, sir.

The Chair: That's fine. Go right ahead.

Ms Cronk: Ms Lott, could you look please at exhibit 1, volume 3, tab 90. This is the document that Mr Callahan is talking about. It's an e-mail from Steve Shapiro to Brian Sutherland dated Friday, June 17, 1994. Have you ever seen this before?

Ms Lott: No, I have not.

Ms Cronk: Did you see it in the course of preparing to give your evidence before this committee?

Ms Lott: No, I did not.

Mr David Winninger (London South): Point of—oh, sorry. Not to confuse the matter further, but I understood yesterday when Mr Callahan was questioning Mr Collins, he asked him whether he had seen tab 90, and I thought Mr Collins said he had, but when he was asked about the later document of July 12th, he said he hadn't seen it.

Mr Callahan: That's right. That's why I want to find out if Mr Collins is in the loop.

Mr Winninger: I thought the question here was about the later document.

Ms Cronk: I may have misunderstood. Are you talking about the July 14th document?

Mr Callahan: July 14th, tab 103; that's the expanded document.

Ms Cronk: I'm sorry; I misunderstood.

Mr Callahan: I just want to find out who's in the loop with the know of that document. I think it's important.

Ms Cronk: Thank you. Tab 103: This is the document Mr Callahan was talking about a moment ago. These are notes relating to the June 17th, 1994, meeting with the Van Lang board. The committee has heard that they were prepared by Mr Brian Sutherland. Have you ever seen these before?

Ms Lott: No, I have not.

Ms Cronk: Did you see them during the course of preparing to give your evidence before the committee?

Ms Lott: No, I did not.

Ms Cronk: So you've never seen them in your life?

Ms Lott: No.

Ms Cronk: Did you at any point have any discussion—you said earlier that you knew who Brian Sutherland was because very early on, in fact back in June 1993, as I understood your evidence, you've suggested if either Ms Luu or Ms Pretty had concerns, they might want to be in touch with the MOH offices.

Ms Lott: Yes, I understood that they would have a relationship with issues that might be arising in terms of the management at the Van Lang Centre, as they were the regional Housing programs office.

The Chair: Excuse me. Counsel has a few words.

Ms Kristjanson: Are you finished with this line of questioning, Ms Cronk?

Ms Cronk: No, I just have another question.

The Chair: Oh, I thought you wanted to jump in.

Ms Kristjanson: After Ms Cronk is finished.

Ms Cronk: Did you at any point have any discussions with Brian Sutherland about his attendance at the June 17th meeting?

Ms Lott: No, I did not.

Ms Cronk: Or his recollections of that meeting?

Ms Lott: No, I did not.

Ms Cronk: Thank you. Those are my questions.

Ms Kristjanson: Just to ensure that your examination is complete, you had asked us, and I have made inquiries at the constituency office, with respect to whether or not the October 29th, 1993, Sharron Pretty letter was received or logged in that offices. I have received information that the October 29th letter was apparently logged as received on November 2, 1993. There does not appear to be a clear record as to whether it was immediately faxed on to the ministry staff. And apparently the address on the copy in the constituency office has an address on the right-hand side, at the top of the letter.

Mrs Marland: Through you, Ms Cronk, since I'm the person that's asking the question about these two different versions of the same letter, does that then confirm that you're identifying that the letter was received on the third of November—

The Chair: November the second.

Mrs Marland: —sorry, the second of November, and it's the one that ultimately has the Deputy Minister of Housing's "received" stamp on it?

Ms Cronk: Do you understand the question, Ms Lott, or should I take you back?

Ms Lott: I am confused.

Ms Cronk: All right. Could I ask you to look at exhibit 1, volume 2, tab 18. The first attachment, as distinct from the first document, at tab 18 is a copy of the October 29, 1993, letter. Do you have that?

Ms Lott: I've got January 11—

Ms Cronk: Keep flipping the pages. The first attach-

ment is the October 29th letter, and you'll see that this one has a date stamp of December 22, 1993, in the top right-hand corner?

Ms Lott: Yes.

Ms Cronk: And the address is on the left-hand side. What's being asked of you, as your counsel has just indicated, is that the constituency offices where you work have confirmed that the copy of the letter that was logged as received on November 2, 1993, has the address—did you say on the right-hand side?

Ms Kristjanson: That's my information.

Ms Cronk: Would you agree, Ms Lott, that that suggests that you didn't receive this copy of the letter, because the address is on the left-hand side, but rather received a copy of the one appearing at tab 11, which has the address on the top right-hand side?

Ms Lott: It would suggest that.

Ms Cronk: That the version at tab 11 would appear to be the one received on November 2?

Ms Lott: Yes.

Ms Cronk: Okay. But does that also mean that when you came, on December 21st, to send to Marc Collins a copy of the letter, saying that you had mislaid it—this is tab 15, and if you'll look at that one, it's got the address on the left-hand side—that you at some point also got a copy of it and sent that one along to Marc Collins on December 21st.

Ms Lott: Yes.

Ms Cronk: So it looks like you had both at the constituency office at different points in time, and we know at least that the one that went to Marc Collins is the one with the address on the left-hand side.

Ms Lott: Yes.

Ms Cronk: Thank you. Is that sufficient?

Mrs Marland: So is there an answer as to—the letter that's at tab 18 is the one with the deputy minister's stamp on it, with not only the address on the other side but a slightly different signature, if you compare them, and also a different final paragraph. I think what we need to know is, the letter that was received at the deputy minister's office—

Ms Cronk: May I try to help?

Mrs Marland: Did Ms Lott send that letter? Where did this letter come from, I guess is the question.

Ms Cronk: I understand. I just want to make sure I do before I get us into more trouble on this.

The copy of the letter that has the deputy minister's date stamp on it at tab 18 is identical to the version of the letter that also appears at tab 15. The addresses are both on the left-hand side and the concluding paragraphs are the same. Ms Lott has just told you and the rest of the committee that the version of the letter that she sent to Marc Collins is the one attached to her fax at tab 15. What you do know from the witness is that the one at tab 15 went to Marc Collins, and I just don't know if it's fair to ask the witness to do a line-by-line comparison, but that appears to be the same as the one at tab 18.

Mrs Marland: No, I agree. I don't wish to ask you to

ask the witness to do a line-by-line comparison, but since there seems to be a routing from the constituency office of this letter to various people, I'm just wondering if the constituency office recalls when the second version of the letter came. I mean, where did the second version of the letter come from? Why do we have two versions of the letter in circulation, is my question.

1130

Ms Cronk: I see, all right. I'm going to ask you to make a further inquiry, through your counsel, Ms Lott. What the committee's been told thus far is that the version at tab 11, which has the address in the right-hand corner, was logged as received on November 2, and there's no record as to whether it was faxed immediately on to the minister's offices in Toronto. Are you with me so far?

Ms Lott: Yes, I am.

Ms Cronk: Okay. We know there's a second version of the letter, and it appears from what is at tab 15 with your fax that that second version was sent by you to Marc Collins on December 21st.

Ms Lott: Yes.

Ms Cronk: Could you make inquiries and inform the committee if there's any record at the constituency office of when that second version was received in it, whether it's logged or otherwise, and if so, whether this December 21st fax is the first time that it was sent to anybody in Toronto.

Does that cover it, Ms Marland?

Mrs Marland: Ms Cronk, the reason this is significant is that we have been told in evidence that this is the letter that Evelyn saw and had pulled because she was concerned about it. If we're talking about this letter being pulled, in evidence, we have to confirm which letter it was and maybe the fact that it was pulled and started going in different routes because of the importance of it in the opinion of the minister and/or her staff. We need to know which letter it was. I think I've asked the question, but that's the reason: because this letter has already been referred to in evidence as being a significant letter.

Ms Cronk: Would you agree to get answers to the questions that I've just asked through your counsel?

Ms Lott: Yes.

Ms Cronk: Thank you.

Mr Kimble Sutherland (Oxford): Could I just clarify a point Ms Marland just said? She said that we've heard evidence that Evelyn pulled the letter. I believe if we refer back to the evidence that Mr Collins gave, it would imply that the minister herself didn't pull the letter, because he gave testimony that correspondence normally only goes to the minister at the point of signature, so it wouldn't be the minister herself personally pulling the letter. Counsel can correct me, but I believe Mr Collins may have implied that it was he himself who pulled the letter.

Ms Cronk: I thought he'd said that, actually.

Mr Sutherland: Yes.

Mrs Marland: Also, the first reference to this letter

was either Ms Luu or Ms Pretty, who said that they had been told that Evelyn had pulled the letter. I think where the letter went has been referred to by more than Mr Collins.

Mr Sutherland: Fair enough, but I just wanted to bring that point out as well.

Ms Cronk: I should say, Ms Marland, that I understand the concern you're raising, and I'll make whatever inquiries I'm in a position to make to see if clarification can be obtained.

Those are my questions.

Mr Callahan: Mr Chair, I had asked counsel earlier about determining who had received the expanded document prepared by Mr Sutherland on July 14th. I would presume there is a logged-in entry as to who received it, and I presume that's the way we would find it out; I would hope that that's how we're going to find out. My recollection—we haven't got the Hansard yet—is that Mr Collins said he'd not seen it, and I'd like particularly to have the logs of the minister's office or of Mr Collins's office searched to determine whether or not he did receive it.

The Chair: Okay? Now we'll start with Mr Owens again.

Mr Stephen Owens (Scarborough Centre): Thank you, Chair. Ms Lott, I'm going to be brief with you and perhaps I'm going to repeat some questions that counsel has already asked you, but I think some of these issues bear repeating and reinforcement.

Did I understand you to say that you've been working for Evelyn for three years?

Ms Lott: Since the end of November 1990.

Mr Owens: And did I understand you to be Evelyn's case worker? Is that how you described yourself?

Ms Lott: Well, I'm a constituency assistant. We divvy up the tasks in the office. I have done case work on occasion; I have also done scheduling. I am now doing case work once again.

Mr Owens: Right. I understand from your testimony that you said you hadn't seen documents or manuals in the office with respect to conflict-of-interest guidelines. Is that correct?

Ms Lott: That's right.

Mr Owens: I guess, in my role as caucus chair, and having an understanding of the constituency training sessions that have been planned, would it be fair to say that the conflict-of-interest guidelines as put out by the Premier have been mentioned on more than one occasion, in your experience, at these training sessions?

Ms Lott: Yes.

Mr Owens: And would it be fair to state that not only have they been mentioned in plenary session but there have also been regional workshops where conflict-of-interest guidelines were discussed as well?

Ms Lott: Yes, that is.

Mr Owens: Given the difficulties that Evelyn had earlier in the mandate, would it be fair to say that conflict of interest and knowledge around issues like that prob-

ably have a more heightened relevance to you because of that experience?

Ms Lott: Yes, because they did point out to us that we had to be particularly careful in a minister's office.

Mr Owens: That's right. In terms of the telephone transcript, I guess the taping was done without your knowledge. Is that correct?

Ms Lott: That's correct.

Mr Owens: So there would be no reason for you to act in a different manner than you would normally act with any other constituent.

Ms Lott: That's correct.

Mr Owens: I'd like to ask you, with regard to your understanding of the kind of conversation that you had with Sharron Pretty—there was a note and a question counsel asked with respect to you laughing, and you indicated that you took this issue quite seriously and that it was more of a nervous laugh. Would it be fair to say that Sharron Pretty either did not understand what you were trying to explain to her, or she chose not to understand what you were explaining to her, with respect to the difficulties around the meeting?

Ms Lott: I can't speak as to her motives, but certainly I think I made it clear to her what my position was on a number of occasions during the course of the first conversation. I don't know if that's answering your question or not.

Mr Owens: No, and I can appreciate that you wouldn't want to ascribe motives to anyone.

Ms Lott: But I certainly was confused as to why she continued to ask me.

Mr Owens: Again from my understanding of the way things work in constituency offices, would it be fair to say that Sharron Pretty was, with respect to this issue of charges—it didn't matter to you whether it was a Criminal Code offence or a provincial offence or a parking ticket—treated in the same consistent manner that you would treat any constituent?

Ms Lott: Yes.

Mr Owens: In your three years of experience in the office of Evelyn Gigantes, have you ever had any other constituent come in with a problem that they made you aware was the subject of either a court case or a tribunal?

Ms Lott: I don't actually recall.

Mr Owens: Nobody came in to complain about a parking ticket that they felt was unjustified or—

Ms Lott: We've certainly had that, yes, and we've had people also mention that they were in a constituency-related case that they had a lawyer engaged on. We've had calls like that.

Mr Owens: In your conversation in this transcript you indicate that it's not your job to provide legal advice for the Ministry of Housing. Is that correct?

Ms Lott: That's correct.

Mr Owens: In terms of your responsibility vis-à-vis the minister's office or the legislative functions of the minister, is it your view that it is not your job to make the decisions, with respect to meetings of this nature, of

whether the minister or the MPP should take a meeting like this?

Ms Lott: That's correct.

1140

Mr Owens: That you simply inform the persons who make that decision of the request for the meeting and the nature of the request and whatever background may be relevant to that request?

Ms Lott: That's correct.

Mr Owens: So just to reinforce, you had absolutely no role in approving or determining that a meeting was necessary in this situation?

Ms Lott: That's right.

Mr Owens: Thank you.

Mr Rosario Marchese (Fort York): Thank you, Mr Chair. Ms Lott, I have a few questions, and some of these questions from me relate to how people attempt to solve problems, recognizing that there are no magical solutions or set formulas about how they do that. But I'm interested to know what Ms Trinh Luu communicated to you about the problems with the superintendent and how she tried to solve those problems. Did she communicate to you that she talked to a number of the board members, any board members, and how often did they do that? Did she talk about that?

Ms Lott: I don't recall specific conversations, but in light of your question about that, I would've urged her, in a matter that related to a problem she had with the superintendent, that it was appropriate to bring that to the board of directors of the Van Lang Centre.

Mr Marchese: To your knowledge, did she do that?

Ms Lott: I don't recall. I don't know specifically if she did or not.

Mr Marchese: She came back several times, obviously, to the constituency to talk to you about that, and presumably the problems were always the same and you presumably continued to tell her that she should try to work with the board members to try to resolve that. But you have no recollection of what she might have said about how her conversations went with respect to any of the board members?

Ms Lott: I know she was frustrated overall with her dealings with some board members, yes, but I'm not aware that she had any technical function in presenting herself at board meetings on a regular basis.

Mr Marchese: Sharron Pretty obviously did the same thing in terms of communicating her problems, and I wondered, did she communicate to you how she might have tried to solve the problems with the board before coming to you?

Ms Lott: I don't remember, really, details of our conversations, to be honest with you, because the contacts were quite frequent and during the course of a long period.

Mr Marchese: But in general it's probably safe to say that you advised them, as you said earlier, that you could probably not work on the problem, but you would send their correspondence to the ministry people—

Ms Lott: That's right.

Mr Marchese: —and also that they should bring the issues to the regional office.

Ms Lott: Yeah. I also wanted them to be very aware that they should send correspondence or cc correspondence to the regional Housing office as well.

Mr Marchese: And presumably they did that but were continually frustrated, and they came back to you continually to try to look for solutions.

Ms Lott: That's right.

Mr Marchese: And you continually tried to urge them to go back through those processes. Is that correct?

Ms Lott: Yes, and I also indicated to them that if they wanted to bring correspondence to the attention of the minister, I would be happy to forward that on to her office in Toronto.

Mr Marchese: Just referring back to the discussion you had with Ms Pretty, you were at some point frustrated with her second call in particular because you had the sense that somehow she expected you to solve the problem.

Ms Lott: That's true. I felt that she was portraying me as somehow being a source of a resolution of this, and I was trying to convey to her that all I could do was to communicate further her outstanding concerns about wanting to have a meeting with Evelyn.

Mr Marchese: I get the impression that you were awfully frustrated or felt the pressure to do something.

Ms Lott: I felt pressure, yes.

Mr Marchese: But it's also quite clear that you didn't give in to the whole sense of that pressure, because you had some serious questions about the legal problems that were there.

Ms Lott: Yes, the issue of a legal action.

Mr Marchese: I was interested in our legal counsel talking about why you didn't tell the minister. Having been a minister, I have some insights, but I'm going to make some assumptions here. You had discussion with Karen Ridley, and you say: "Now I am confused because my last conversation with Karen [Ridley] about this, my understanding was I was waiting for directions from her. It was that you did not want a meeting because you were launching a legal action and it was too late to have a meeting at this point."

Ms Lott: Yes.

Mr Marchese: Can I make the assumption here, and correct me if I'm wrong, the reason why you might not have told the minister is because you made an assumption, in discussion with Karen, that they were all very familiar about the problems with this legal matter and that as far as you were concerned, you didn't necessarily have to have yet another discussion with the minister, that they were all in the loop? Is that a possible assumption?

Ms Lott: Yes, it is. Yeah.

Mr Murphy: There's an assumption built into that question which actually isn't factually correct, because I think you said another discussion with the minister about this, and I'm not sure there's been established in evidence that there was any discussion between this witness and

the minister about the meeting related to the court case.

Mr Marchese: That was not the—I did not mean to assume that somehow you had had other discussions with the minister. All I'm saying is that, given that you were having discussion, at least with Karen, the previous day, you had assumed that she is in the loop in the ministry's office, with Marc Collins presumably, and that you didn't have to necessarily communicate anything further about this.

Ms Lott: That's correct.

Mr Marchese: Just one final question: When Miss Pretty talked about, "We want to meet with you and discuss the problems with the compliance review and the access issues, the core issues that we've always been trying to do, to meet with Evelyn and discuss, you know, that's your responsibility," did you have a judgement about that as to whether or not, given that that's what she wanted to talk about, perhaps the minister could meet if that is what she wanted to talk about?

Ms Lott: No, I didn't make that assumption. No.

Mr Marchese: I'm making an assumption here that you simply said: "This is a legal problem. Therefore, even if she wants to talk about other things, it's safe not to talk about arranging a meeting at this time." Is that correct?

Ms Lott: That's right.

Mr Marchese: Thank you, Ms Lott.

The Chair: Okay. Are you going to put the rest of the time in the bank?

Mr Marchese: Yes.

Mr Callahan: Are they in a credit position, Mr Chair?

The Chair: Yes, no deficit.

Mr Callahan: Is it red time?

The Chair: Okay. Miss Marland or—

Mr Sutherland: I'm sorry—

The Chair: Oh, I made a mistake again. I'm supposed to—

Interjection: We move, you lose.

The Chair: Yes, I know. Every time I want to go around there. Okay.

Mr Callahan: That's why Margie had us move, so we'd confuse you, you see.

The Chair: Mr Chiarelli.

Mr Robert Chiarelli (Ottawa West): Thank you, Mr Chair. Miss Lott, you probably heard the testimony of Dr Tang last night, that he stated very clearly that he thought—

Ms Lott: Excuse me. I did not hear the testimony of Dr Tang.

Mr Chiarelli: Well, perhaps I'll indicate to you what I remember him to have said. He stated very clearly, I think on three occasions, that he was under the impression the meeting of June 17th with the minister was set up so that the board, or representatives of the board, would have a chance to explain their side of the story. It surprised me that he said that, particularly in view of the

fact that over this period of about a year there were very extensive communications between Sharron Pretty and Trinh Luu, with the constituency office, the minister's office, the people from the Ministry of Housing, and the only communication I'm aware of between members of the board and the constituency office is a letter of January the third where Hieu Truong was asking for a meeting. Are you aware of any other discussions, communications, with any members of the board? In particular, did you personally know any members of the board?

Ms Lott: No.

Mr Chiarelli: You had never met them?

Ms Lott: No.

Mr Chiarelli: Are you aware that anybody in the constituency office—Paul Dewar, Michel Proulx, Darlene Labrosse or Audrey Moey—had ever met any members of the board?

Ms Lott: I can't comment on that.

Mr Chiarelli: Okay. I have another question for you.

Ms Lott: I have no knowledge of who they would know.

Mr Chiarelli: I would like to refer you to exhibit 1, volume 1, tab 6. There is a series of informations which were sworn against a number of persons, some directors and I think former employees of the board—

Ms Lott: Excuse me, could you give what it is again?

Mr Chiarelli: Sorry, it's exhibit 1, volume 1, tab 6. In particular, I refer you to page 14, which is the information sworn against My Nguyen. It indicates there that his address is [information deleted] Piccadilly Avenue. Do you see that?

Ms Lott: Mm-hmm.

1150

Mr Chiarelli: Can you confirm to me that [information deleted] Piccadilly Avenue is an address within Ottawa Centre?

Ms Lott: I'm afraid I can't. I don't know all the streets in Ottawa Centre.

Mr Chiarelli: As the member for Ottawa West, I can tell you that it's on your side of the boundary.

Ms Lott: Okay.

Mr Chiarelli: So that he in fact is—

Mr Callahan: Does that help you at all?

Ms Lott: I know very many streets. I don't know every one.

Mr Chiarelli: He in fact is a constituent in Ottawa Centre.

Very quickly, I want to refer you to exhibit 1, volume 1, tab 2, which is a copy of the Premier's guidelines. On page 5 of those guidelines, section 24—

The Chair: The clerk has asked me if we could refer to the page but don't give the address, because it is there, or telephone numbers, if at all possible.

Mr Chiarelli: Okay. I thought it was relevant to establish residence as a constituent.

The Chair: Well, if it's possible.

Mr Chiarelli: Mr Chair, what I was trying to estab-

lish is the fact that one of the accused persons, at least one of the accused persons, is a constituent of the minister, and I was going to refer the constituency office manager to section 24 of the guidelines, which states:

"Where a minister's constituency office undertakes activities in which members normally engage on behalf of constituents, ministers shall take all reasonable steps to ensure that their office as minister is not used to further the interests of the constituent."

The hypothesis I'm putting forward is that this particular accused person, as a director and as a person who was subject to a compromise possibly involving the court case, in fact is being assisted by the minister. The minister is in fact advancing the interests of that particular constituent if the court case is not proceeded with. And I simply wanted to establish the fact that indeed this particular accused person is a constituent and an accused person.

Mr Sutherland: Could I just—

The Chair: I've got legal counsel over there first.

Interjection: They can turn the time off.

The Chair: It's been off.

Ms Kristjanson: No, the witness cannot answer this question. She wasn't at the meeting. We don't have any evidence other than, Mr Chiarelli, that this person—

Mr Chiarelli: I believe she ought to have been able to answer the question as to whether or not this address was in the riding.

Interjection: Why is this material?

Mr Sutherland: Could I ask a question?

The Chair: Okay, Mr Sutherland.

Mr Sutherland: And I ask for some clarification from legal counsel. Mr Chiarelli is putting forward a hypothesis—

Interjection.

Mr Sutherland: He's putting forward a hypothesis, but it would seem to me he has failed to establish one point, and that is, was there any connection between this person who is a constituent and the constituency office? It would seem to me that that point would have to be established first before you can say you have an actual hypothesis here of a potential conflict.

The Chair: I'm going to wind up letting Mr Chiarelli go ahead. Legal counsel here is listening and—

Mr Chiarelli: I incorrectly used the word "hypothesis," Mr Chair.

Mrs Marland: Mr Chair, may I have a point of order?

The Chair: Yes, Mrs Marland.

Mrs Marland: Mr Chair, my point of order is—

Mr Sutherland: I'm sorry—

The Chair: Wait a minute, I've got to go back to Mr Sutherland.

Mr Sutherland: Could I have some comment from legal counsel on that? That's what I was seeking.

Mrs Marland: Well, I'd like to place my point of order.

The Chair: Is it on the same point of order?

Mr Sutherland: That's fine. I'd just like my clarification first and then go ahead.

The Chair: We'll get a clarification first, okay?

Mr Chiarelli: I withdraw my hypothesis now.

Mrs Marland: Mr Chair, my point of order has to do with what is happening at this point in this hearing. We are now sliding into the kind of mode that we are in in our normal committee meetings, where we banter back and forth and we correct each other and we say, "What's that relevant?" or whatever, all the things that we do. I think frankly that we have behaved very well for three days in this hearing, considering the normal format of our committee hearings.

Mr Callahan: I think we should get a raise.

Mrs Marland: What is starting to happen now is that all our concerns are getting a little elevated and we're starting to listen to each other's questions and starting to interfere.

The Chair: Could you get to the point of order.

Mrs Marland: The point of order is that in your opinion, do you think that we should now start questioning our other colleagues' questions—

Mr Marchese: They are just raising questions.

The Chair: Excuse me, Mr Marchese.

Mrs Marland: Do you think that we should be, as members, starting to question what evidence other colleagues are trying to extract, and not just "for clarification." I've no difficulty with us asking points of evidence to our counsel, but I think what's happening is exactly that, that we're starting to question why Mr Chiarelli is asking this question, or I will be, or I may question why you're asking it.

The Chair: Mrs Marland, could we—we've got to get on with the hearing.

Mrs Marland: Exactly.

The Chair: Legal counsel, did you have a comment?
Interjection.

The Chair: No, you've had—okay, we're all set to go. Mr Chiarelli, I'm turning the clock back on.

Ms Cronk: I think he's withdrawn the question.

Mr Chiarelli: I withdraw my hypothesis and I simply want to summarize the fact that the witness has acknowledged that in that particular tab 6 with respect to My Nguyen, that there's a particular address assigned to that particular accused person, number 1. Number 2, I wanted to draw her attention to paragraph 24 of the guidelines and get that on record. I have done that. Thank you very much, Mr Chair.

The Chair: Okay. Mr Murphy.

Mr Murphy: Thank you. I think, Ms Lott, you told us in response to a question to Mr Owens about the seminars and conflict-of-interest guidelines that one of the lessons you learned, that you had to be particularly careful when you were working for a minister.

Ms Lott: Yes.

Mr Murphy: Then he referred you to, you know,

calls about parking tickets and court cases and he didn't ask the follow-up questions, which I assume when you get those inquiries for assistance you say no.

Ms Lott: That's correct.

Mr Murphy: And the reason you say no is because it's improper for a minister to be seen to be getting involved in those kind of things.

Ms Lott: It depends on the nature, you know, of the issue, but generally any time I'm aware of something, that I hear some kind of legal action, a red flag goes off in my mind and I am very clear to redirect somebody from our office.

Mr Murphy: Do you know, can you think of a situation other than the one we're here for where a court case has been involved and that you have got involved in the situation?

Ms Lott: In which I have gotten—

Mr Murphy: Yes.

Ms Lott: Sorry, I didn't hear you. In which I have gotten involved?

Mr Murphy: Yes.

Ms Lott: No, I can't recall.

Mr Murphy: Does that mean there isn't any that you—

Ms Lott: Well, we deal with many, many cases in a constituency office during the course of a week and even during the course of a day.

Mr Murphy: Yes, I understand, but there isn't one now that you can remember you got involved in?

Ms Lott: No.

Mr Murphy: I think you also told counsel that you basically didn't tell anyone about the May 19th phone call with Sharron Pretty in the minister's office or the minister herself. Correct?

Ms Lott: Could you repeat that question?

Mr Murphy: You know your May 19th phone call with Sharron Pretty? We went through the transcript?

Ms Lott: Yes.

Mr Murphy: Remember that call?

Ms Lott: Yes.

Mr Murphy: I think your evidence was that you didn't pass on the contents of that telephone conversation to anybody in the minister's office or the minister herself?

Ms Lott: I'd have to recall again what her question was to me specifically. I'd understood that it was, did I speak to the minister about it? I said no.

Mr Murphy: Oh, I think you were asked whether you spoke to Marc Collins and whether you spoke to anybody in the minister's office, and I thought you said no.

Ms Lott: I guess that's correct, yes. I guess I did say that.

Mr Murphy: Do you have page—do you have that transcript there?

Ms Lott: The May 19th telephone call?

Mr Murphy: Yes.

Ms Lott: Yeah.

Mr Murphy: Can you turn to page 7 of that. Do you see just right down at the bottom—can you see?—and it says: “I don’t know that for sure. But that’s what I am warning you about.” That’s referring to that it might be a problem to meet. “And that’s what I’m going to talk to her staff about.” You see, it says that right there.

Ms Lott: Yeah.

Mr Murphy: So does that mean that what you told Sharron you were going to do, you didn’t do?

Ms Lott: No, I don’t share your conception of that at all.

Mr Murphy: Well, am I correct in my reading of that that you were indicating to Sharron Pretty that you were going to talk about the problem that a court case presents to a meeting with the minister to the minister’s staff? Is that what you’re indicating to Sharron by saying that?

Ms Lott: That’s what the transcript says, but then as I said, you know, I can’t verify as to the complete accuracy of this transcript.

Mr Murphy: You have nothing you can tell me now that would say that this isn’t accurate.

Ms Lott: No.

Mr Murphy: I guess I just—well, thank you.

1200

Mr Callahan: I’d like to go back to the June 10th. I want to just clarify your evidence. On the June 10th meeting at the constituency office when Trinh Luu came, who was there?

Ms Lott: Sorry, could you be more specific about that?

Mr Callahan: Well, who was in the constituency office at that time when Trinh Luu paid a visit to the constituency office?

Ms Lott: Well, it would be the three staff people that work full-time in that constituency office.

Mr Callahan: Who else?

Ms Lott: So at that time it would have been Paul Dewar—

Mr Callahan: Who else?

Ms Lott: —and myself and Audrey Moey.

Mr Callahan: Is that it?

Ms Lott: That’s all that I recall.

Mr Callahan: Well, I have to tell you, we heard evidence that there was smoke coming from a room—I think this is right—on the 10th of June meeting.

Interjections: No.

Mr Callahan: It’s not the 10th? When was it?

Ms Lott: That could have been the minister meeting with—

Mr Callahan: All right. Okay, I’m sorry, I just wanted to clarify that. The other thing is, did you ever discuss the matters that Mr Murphy has told you about of the telephone conversation with Sharron Pretty, did you ever discuss that with Audrey Moey?

Ms Lott: I don’t recall discussing that with her.

Mr Callahan: Did Audrey Moey ever discuss with you what went on at the meeting of the 17th of June, 1994?

Ms Lott: No.

Mr Callahan: Did you ever ask her about it?

Ms Lott: No, I didn’t.

Mr Callahan: So you have absolutely no information about that? Okay.

Ms Lott: No.

Mr Callahan: All right, we’ll bank the rest of it.

Mrs Marland: Ms Lott, does the minister come to her constituency office regularly to meet with constituents?

Ms Lott: Yes, she does.

Mrs Marland: How long would it take normally for a constituent to get an appointment?

Ms Lott: Well, it can take a long time. It can take a long time if the request is on a housing-related matter, because she gets numerous requests and those are evaluated in her Toronto office. It can also take a long time on a non-housing-related matter as well, sometimes a couple months because—

Mrs Marland: Could it take—

Ms Lott: If I could just finish my answer, we get a large volume of requests that come to us because Evelyn is the only government MPP east of Kingston. So we get requests—

Mrs Marland: No, my question was about constituents.

Ms Kristjanson: The witness is answering your question.

Ms Lott: I just want to give context here. We get requests from outside of Ottawa Centre almost as frequently as we get from within the riding.

Mrs Marland: My question was about a constituent. That’s why I was interrupting you. I asked you how long it would take a constituent to get an appointment with the minister in her office.

Ms Lott: Well, it varies. The volume of requests we get sometimes is heavy and other times it’s lighter.

Mrs Marland: Would it sometimes take a year?

Ms Lott: It’s possible, yes. It is possible.

Mrs Marland: Why do you think you didn’t schedule a meeting with Trinh Luu in a year?

Ms Lott: As I indicated to counsel and to previous questioners, it was not my decision to make the decision around the setting up of a meeting with the minister.

Mrs Marland: She was a constituent.

Ms Lott: Yes, but she was bringing forward to me a housing-related matter, and as I clarified, I don’t make that evaluation about decisions about housing-related matters with the minister; I get direction from her staff.

Mrs Marland: Is there a diary kept of the minister’s appointments at her constituency office?

Ms Lott: Yes, there is.

Mrs Marland: Mr Chair, I’d like to ask Ms Cronk if we may have that diary entered as evidence before this

hearing. I'm asking it because of—

Mr Winner: Point of order.

Interjections.

Mrs Marland: Oh, you are funny, you guys, you are so funny.

The Chair: I have three points of order.

Mrs Marland: As soon as you get nervous you start raising a point of order.

Mr Winner: I guess I had my hand up first, for obvious reasons. If indeed this diary is to be made an exhibit—and I'm in the hands of counsel's advice on that, I suppose, as are other committee members—I would hope that before that excerpt is made available to Mrs Marland and the committee that all other non-relevant notations would be deleted from the record. That was my point, Mr Chair.

Ms Cronk: Could I just make a comment? I don't mean to be offering an unsolicited interjection at this point. I would be glad to respond as quickly as we possibly can to any requests for information or further documentation from every committee member, and I would be pleased to speak further with Mrs Marland about this and discover how this could be done and for what purpose.

But I do have to say, and I say it with the very greatest of respect, that you have given me a deadline of tomorrow night to complete this hearing. We have six witnesses left to do today. I say this to no particular individual, but I share with you my concern that if discussions during this time, as distinct from with the subcommittee, continue in here I will not be able to do that for you. I say it with absolutely no disrespect to anyone, let alone the person now asking the question. I'm just saying to you that I'm available for those kinds of discussions whenever you'd like me to be, but I wonder if we could pursue them at the subcommittee leave. We've done one witness this morning.

Mrs Marland: Mr Chair, I was just going to ask Ms Cronk, if the clock isn't running, if it's possible to have that diary brought to the hearing.

The Chair: Ms Cronk said we could discuss that at the subcommittee.

Mrs Marland: All right. Ms Lott, you said that on October 29th Trinh Luu and Sharron Pretty came to a meeting at your office.

Ms Lott: I indicated that I was never clear about the actual times and dates of their appearing in our office but I did recall that in the fall, some time later in 1993, Trinh Luu and Sharron Pretty came into the office. That's correct.

Mrs Marland: There were three people who came to your office: Trinh Luu, Trinh Tran and Sharron Pretty.

Ms Lott: I don't recall that.

Mrs Marland: You don't recall three people coming to meet you at your office?

Ms Lott: No. I recall Sharron Pretty and Trinh Luu coming to my office.

Mrs Marland: The 29th of October? You don't recall

that? The 29th of October, 1993?

Ms Lott: No, I don't. That's right.

Mrs Marland: It's interesting, because we've had evidence from two witnesses who gave us that date that they came to the office.

Ms Kristjanson: I have to object to this. The witness has been quite clear in her testimony with Ms Cronk and also just in reply to your question that she does recall these two individuals attending at the office. I don't know that she did not agree that it was a meeting, but she's unable to locate the date. Would you just move on in your questions.

Mrs Marland: Okay. Ms Lott, do you recall if, the day those people whom I've identified came to you with their concerns and their lengthy letter, the minister was in the office?

Ms Lott: No, I don't recall. If it was on a Friday, it would be very possible that she would be in the office and very likely that she would be—

Mrs Marland: If I read to you from the evidence we've received, that one of the witnesses has told us—it's Ms Luu's evidence, actually. She said: "We were talking to Sue. I was excited at the time" etc, etc.

Ms Kristjanson: Could you just stop for a minute. If you are going to read evidence, I would like to have a copy of the transcript and I think a copy of that transcript should also be shown to the witness, if someone else has a copy of the transcript to refer to.

Mrs Marland: Certainly, I'd be happy to.

Ms Cronk: Give me one sec; I'll get a copy.

Mrs Marland: It's Monday, August 8, the afternoon sitting, page 1340-2.

Ms Lott: Which part do you want me to read?

Mrs Marland: The last paragraph, the statement by Ms Luu.

Ms Lott: Okay, I've read it.

Mrs Marland: It's reported that Ms Luu said, "I didn't notice that, but Sharron later on told me that Evelyn was sitting in the room beside, smoking, and she did greet Evelyn." This is suggesting that Sharron saw Evelyn in the room next door, smoking, and greeted her before she left, which would suggest that the minister was there at the same time that they were there. Whether you can confirm the date is the reason I'm asking for the minister's schedule, and I think it's a fair request.

1210

Ms Cronk: To assist Ms Marland as well, October 29th, 1993—I've just looked at my calendar—was a Friday.

Mrs Marland: Thank you. Is Ms Gigantes normally in the constituency office on Fridays?

Ms Lott: Yes. She comes in at the end of every week, and we set up meetings on Fridays, normally.

Mrs Marland: Would you agree that it's possible that this testimony is correct?

Ms Lott: It's possible, but I cannot confirm testimony from another witness. That is her testimony; that's not mine.

Mrs Marland: It's possible that because October 29th was a Friday, when you check the minister's calendar you may be able to confirm that she was in the office that day?

Ms Lott: That's possible, yes. She is in and out of the offices, I should add, on Fridays. She is in and out of the office often, because we often have events that she attends outside the riding office.

Mrs Marland: Oh, I understand, and that's why we need her diary; the reason we need her diary is that I understand she may have been in and out of the office on the Friday the 29th of October.

You have agreed that you did meet with Ms Luu and Ms Pretty, that they came to your office. What you are not able to confirm for us is when that happened.

Ms Lott: That's correct.

Mrs Marland: But both those witnesses have told us it was the 29th of October. I would suggest to you, Ms Lott, that that was a very important date for those two women and it's possible that their recollection—the fact is that they have a recollection of a date, and it is correct that you have no recollection of which date they met with you, correct?

Ms Lott: As I said before, I don't remember particularly what date that was. I had many communications from both Trinh Luu and Sharron Pretty individually and dropping material off, so I have a faulty memory of—

Mrs Marland: That's fair. It's our understanding that they came to meet with you on October 29th and then subsequently dropped a letter off on November 2. In fact, the evidence says "a few days later." In the middle of that page, if you want to look at it, under Ms Luu's testimony, it says:

"That's why October the 29th Sharron and I went to see Sue, and I understand that Sue might have told Sharron to put it in writing or something like that, and Sharron came back and she wrote this letter which she hand-delivered to Sue a few days later.... I would put it October 29th because that was the date when I went to see Sue for a request to see Evelyn." And I'm saying to you, Ms Lott, to see Evelyn as her MPP.

Your evidence this morning is now that you have checked the logging of these letters and you have confirmed in your evidence this morning that the letter was received November 2, which I'm suggesting to you is a few days later.

Ms Lott: If I might just say that I don't share your interpretation that Trinh Luu entered the office to see Evelyn Gigantes as her MPP. I had made it clear to her early on, the discussion I have recalled, that we could not deal with this matter in the constituency office and that I would have to forward it on to Evelyn's office in Toronto.

Ms Kristjanson: I just have to clarify. Ms Lott obviously did not make those inquiries this morning. You had just said that Ms Lott had clarified that it was received on November 2. She's been sitting in here the whole time. I directed inquiries to be made. I simply wanted to make that clear for the record.

Mrs Marland: Through you, Mr Chair, to the counsel

for Ms Lott, did you confirm that there was a letter logged as being received in the constituency office on November 2, a letter from Ms Pretty?

Ms Kristjanson: Certainly. You had just attributed that confirmation to Ms Lott, and I wanted to make it clear for the record that that information was provided to me based on information from the constituency office but that had not been conveyed to me by Ms Lott directly.

Mrs Marland: So when you speak, who are you speaking for?

Ms Kristjanson: That information I am putting on the record, I'm putting it on as counsel for Ms Lott, that that was information provided to me by the constituency office—simply a clarification.

Mrs Marland: So, Ms Lott, you now know that the letter was received in the office on November 2. You know that the testimony of Ms Luu was that you had suggested to Sharron that she put her concerns in writing, and she came back and delivered a letter to Sue a few days later. I'm suggesting to you, if the meeting wasn't October 29th, November 3 couldn't have been a few days later. Just one final—

Ms Kristjanson: I could not find a question in that sort of long statement. Ms Lott, did you wish to make a response, however, to what was just put to you or not?

Ms Lott: Could you repeat that question?

Ms Cronk: Excuse me, Mr Chair. I understand the exchange that's occurring here, and if a question hasn't been put, there's nothing for the witness to answer. If there's something to be pursued, I have the right of re-examination, but I think we should get on with Ms Marland's questions. If she didn't put a question, there's nothing to be answered.

Mrs Marland: This morning you have, Ms Lott, been referred to exhibit 1, volume 2, tab 26.

Ms Lott: Did we have reference to this this morning? Okay. I don't recall discussing this this morning.

Mrs Marland: Maybe counsel could help us. Ms Lott says she doesn't recall being asked about this exhibit this morning.

Ms Cronk: It's my recollection—it's only my recollection at this point, Ms Marland—that I put to the witness that she had sent a copy of this letter both to Newton Vanriel and Ezia Cervoni, and that we discussed it with her. I took her to the page. I don't know—but I certainly put and obtained confirmation that a copy of the March 4 letter was sent, I thought you told me, Ms Lott, by you to both those individuals. I just don't remember if we went to the piece of paper or not.

Mrs Marland: Thank you. I'll continue my questions.

Ms Lott, this is a covering page for a fax of March 8 from you to "Newton." In it you say, in the message part: "Newton—This is the latest missive from Sharron Pretty re the Van Lang Centre. Could you call me about this? Thanks." Could you tell us, Ms Lott, what you mean by "the latest missive," what that language means, why that language was used?

Ms Lott: "Missive," in my understanding, is a form of written communication. It could be a letter. I don't

know the actual dictionary definition of "missive" but I would understand it to be a form of written communication that is sent, and that would be my description of another piece of written communication that we had received from Sharron Pretty in the office.

Mrs Marland: Okay. I'll take you to tab 28, two tabs further on in the same volume. This is a fax cover from you to Marc Collins, and the message says: "Marc—I keep passing these letters on to you from the Van Lang Centre. Could you call me about this?" Is there some reason, Ms Lott, that in the one you refer to it as "the latest missive," and you've just said that that's a communication—why you wouldn't have used the word "missive" again to Marc Collins or why you wouldn't have used the word "letter" to Newton? In all the other communications that we have as evidence you are referring to "these letters" and "letters." Is it possible that on March 8, when you used the term "missive," you were getting a little frustrated about all the correspondence and all the phone calls you were receiving on this matter from Sharron Pretty?

Ms Lott: I don't think you can presume any state of mind from the use of a word. I vary my language quite a bit.

Mrs Marland: Thank you. That's all my questions, and I'd like to bank the rest of my time, Mr Chair.

Mr Owens: How much time are we talking about banking here?

The Chair: One minute and eight seconds.

Mrs Marland: From today's 15 minutes, correct?

The Chair: Yes. Okay, Ms Cronk.

1220

Ms Cronk: Ms Lott, I just have one or two questions. Just to follow up on something that Ms Marland is asking you about, do you personally have any recollection, as you sit here today, whether the minister, Evelyn Gigantes, was in her constituency office on either Thursday, October 28th, or Friday, October 29th, 1993?

Ms Lott: I'm afraid I don't, no.

Ms Cronk: We'll make inquiries and get the extracts, but it would be your expectation, I take it, that she would have been there on Friday the 29th, at least unless some other event—

Ms Lott: Generally. I mean, there certainly have been cases a number of times over the last couple of years when she has not been able to be in on a Friday.

Ms Cronk: I understand, but unless it was one of those situations, she normally would have been in?

Ms Lott: That's right.

Ms Cronk: And were there also occasions during the past year when she was in her constituency office for one reason or another on the Thursday of a week?

Ms Lott: Yes, there were actually a couple of occasions when the House wasn't sitting where she was able to return into the constituency on a Thursday. She would maybe make it in in the afternoon sometimes.

Ms Cronk: Thank you. There's one further area of questioning and it relates to your discussion on May 19th with Sharron Pretty. The questions I put to you that were

then pursued were about why you hadn't told the minister about the conversation and what you understood was the information already on hand at the minister's offices in Toronto. To be both fair to you and fair to the evidence, I just want to make sure that I understand one particular aspect of it. All right?

You told me, as I understood it, and I think you confirmed in further questioning, that it was a fair assumption that issues relating to the legal issues around a meeting were in the minds of the minister's staff in Toronto?

Ms Lott: Yes.

Ms Cronk: And you certainly knew that they had details of the legal action, right?

Ms Lott: Yes.

Ms Cronk: Okay. I suppose my point, in part, to you is this: that whatever the minister's office in Toronto knew, the fact that there were legal issues associated with having a meeting of that kind was, from and after May 19th, in the mind of Sharron Pretty because you put it there. Do you understand what I'm saying? You raised with her in that discussion that having a meeting of that kind might put the minister in a very difficult position. You said that in conversation?

Ms Lott: Yes.

Ms Cronk: And you raised the issue in that conversation that although you weren't a lawyer, that you didn't give advice to the Ministry of Housing, you were suggesting there might be legal difficulties associated with the meeting, but you weren't the final arbiter on it. Is that correct?

Ms Lott: That's correct.

Ms Cronk: And it was in your mind at the time and you assumed it would be dealt with by the minister's people in Toronto because they already knew about the legal case, correct?

Ms Lott: That's correct.

Ms Cronk: Would it be fair of me also to suggest to you that that aspect of that kind of a meeting was in Sharron Pretty's mind following your conversation with her because you talked about it?

Ms Kristjanson: Ms Cronk, are you asking the witness to speculate upon what was in Sharron Pretty's mind? Because if that's the case, she can't answer.

Ms Cronk: Let me rephrase the question. I'm saying to you that from and after that conversation with Sharron Pretty, the fact of your suggesting difficulties associated with that meeting was known to Ms Pretty, and that is an objective fact you can confirm because you told her in the conversation, right?

Ms Lott: That's correct.

Ms Cronk: Okay. And what I'm suggesting to you is: Would it not have been, given that Sharron Pretty knew that objectively, because you told her that—was that not something that it might have been useful for the minister to know before she went into the meeting, in your mind?

Ms Lott: But she had already had that knowledge of a legal action in a conversation with a member of the minister's staff in Toronto. There had already been that

subject matter of a legal action brought up in a conversation with the minister's staff.

Ms Cronk: I'm expressing this badly. Can I try one more time, and if you disagree, just tell me, all right? What I'm suggesting to you is that information was provided to Sharron Pretty, a woman who was going to be potentially meeting, as you understood it, with the minister, and then you came to find out that the meeting was going to take place, and you told me you knew about the meeting in advance. Am I right so far?

Ms Lott: Yes.

Ms Cronk: Okay. I'm just saying to you: In your own mind, because you can speak about your own mind, wasn't it relevant, mightn't it have been helpful, for the minister to know that you'd had a discussion with one of the people who was going to be at that meeting in which it had been said that there were difficulties in the minister attending that meeting, or that there might be legal problems associated with it? Wasn't that something that might have been useful for the minister to know or at least relevant for her to know?

Ms Lott: It's possible, yes. But I don't recall.

Ms Cronk: And in so far as you were aware, no one in the minister's office in Toronto knew about that because you hadn't told them about your discussion with Sharron Pretty, right?

Ms Lott: I'm getting confused again as to when I knew what, and what we've already established.

Ms Cronk: Okay, I'll leave it. Thank you. And Ms Lott, please understand, I'm not being critical of you. I'm just trying to understand what people did or didn't know when they walked into that meeting and what it means. Okay? Thank you very much. Those are my questions.

The Chair: Ms Lott, I'd like to thank you for coming before the committee. A safe trip home.

Ms Lott: Thank you.

The Chair: Would you like to break for 10 minutes to get some notes? Actually, can anybody see coming back for 1 o'clock—grab a quick lunch?

Mr Murphy: Yeah. We'll say 1 and it'll be 1:15.

The Chair: The Chair will start at 1 o'clock. We're recessed until 1 o'clock.

The committee recessed from 1226 to 1312.

HIEU TRUONG

The Chair: Our next witness is Dr Hieu Truong. Can the clerk read the oath.

Clerk of the Committee: Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Dr Hieu Truong: Yes, I do.

The Chair: Welcome, Doctor, to the committee. Would Ms Cronk continue on.

Ms Cronk: Thank you. Good afternoon, Dr Truong.

Dr Truong: Good afternoon.

Ms Cronk: Dr Truong, as I understand it, you are a director of engineering for the Royal Canadian Mint here in Ottawa. Is that correct?

Dr Truong: That's correct.

Ms Cronk: And you have held that position for close to 16—is it 16 or 17 years?

Dr Truong: Close to 17 years.

Ms Cronk: I understand that you gained your PhD in engineering from New York University in 1971.

Dr Truong: That's correct.

Ms Cronk: You moved to Ottawa in 1978 and began working at that time for the Royal Canadian Mint.

Dr Truong: That's correct.

Ms Cronk: It is also my understanding, sir, that you are now and have been in the past active in the Vietnamese community in Ottawa.

Dr Truong: Yes.

Ms Cronk: Indeed, I understand you've served as president of an organization called the Vietnamese Canadian Buddhist Association.

Dr Truong: That's correct.

Ms Cronk: Did your association with that organization have something to do with the way in which you came to be involved with the Van Lang Centre?

Dr Truong: Yeah, I think it has something to do with my association of the Van Lang Centre. As president of the—past president because I'm no longer president—as past president of the Vietnamese Canadian Buddhist Association, with the ability to provide leadership to the community, some tenants of the Van Lang Centre approached me late in the spring of 1993, the beginning of summer 1993, to be on the board of directors of the Van Lang Centre because problems were growing up already at that time at the Van Lang Centre.

What the particulars, I'm not aware of, but they say that they have difficulties at the centre and they like to see strong leadership moving over and give a fresh look, a fresh go over at the centre. I did not want to be involved, but since people feel that I can do something for the centre, I accepted to join the board of directors.

Ms Cronk: Did you also at that time know Dr Can D. Le?

Dr Truong: I knew Dr Le for some time, on official events, but I never had any association with him before. And that was my first time that we worked together.

Ms Cronk: When you went on the board of the Van Lang Centre?

Dr Truong: Yeah, when I was on the board of the Van Lang Centre, right.

Ms Cronk: I understand that that occurred—that is, that you went on the board at the beginning of August, 1993. Am I right on that?

Dr Truong: Yeah, exactly; August the fifth.

Ms Cronk: It is also my understanding, based on other evidence that the committee has heard, that a number of other new directors went on the board at the same time, including two tenant representatives, one of whom was Sharron Pretty. Can you confirm that that is correct?

Dr Truong: Yeah, I guess that's correct, I guess two tenants who were nominated by the interim committee of

their association, because they haven't got any bylaws yet, any constitution to nominate the tenant association. They're working on that. So Sharron Pretty and another person, Mrs Tran, were the interim representatives of the tenants on the board.

Ms Cronk: Right. Well, leaving aside whether their status was interim or permanent, and the reason I put it that way is I take it you will of course remember that there is some debate about that, at least in the minds of Sharron Pretty and, I take it, other directors on the board as to what the status was, so could we—am I right in that? There's at least a debate about it?

Dr Truong: Yeah, that's correct.

Ms Cronk: So setting that aside, I take it you do recall and are confirming that Sharron Pretty and one other tenant representative came on the board at the same time as you did, on August the fifth, 1993.

Dr Truong: Exactly.

Ms Cronk: At that time as well, as I understand it, you assumed the presidency of the Van Lang Centre. Is that also correct?

Dr Truong: I was elected president.

Ms Cronk: But it was at that time?

Dr Truong: That time exactly. Right.

Ms Cronk: Am I also correct that Dr Tang at that time came on as a new director of the board?

Dr Truong: Yeah, I guess Dr Tang was new also at that time.

Ms Cronk: Is it the case that at that time Sharron Pretty, as a new director, also became a vice-president of the organization.

Dr Truong: Yeah, she became vice-president also at that time.

Ms Cronk: Now, at the time that you came on to the board in August, did you know a woman by the name of Trinh Luu?

Dr Truong: No, I guess I did not know Mrs Luu. I met her once at the grand opening of the centre, some time back, I guess in '92 or something.

Ms Cronk: All right. At the time that you came on as a new director, Ms Luu was still in the employ of the Van Lang Centre as project manager?

Dr Truong: Yeah, I guess she was still in the office at that time. Right.

Ms Cronk: Subsequently, the committee has seen that a letter dated September 3, 1993, from Ms Luu was delivered, in which she resigned her position as project manager of the centre. Do you recall that?

Dr Truong: Yeah, I guess she tendered her resignation around that time to go back to law school, or to go to law school rather.

Ms Cronk: Was that letter submitted to you in your capacity as president?

Dr Truong: Yeah, she brought it to me as president. Right.

1320

Ms Cronk: Could I just stop and go back and ask you something I should've asked a moment ago, Dr Truong.

How large, approximately, is the Vietnamese community in Ottawa?

Dr Truong: Well, I guess its number—I never get a true whole number, but I would imagine between 3,000 and 4,000 people.

Ms Cronk: What would you estimate its size to have been back in the summer of 1993, when you went on the board?

Dr Truong: About the same size, about 3,000 or 4,000 people.

Ms Cronk: In your experience and given your involvement with the community, is it a closely knit community or is it widely diverse?

Dr Truong: Well, that's a difficult question to answer, but I've got to say that almost everybody knows somebody, because 3,000 or 4,000, you know, you meet them at different social events. You get to know everybody by face and by name.

Ms Cronk: When you came on the board of the Van Lang Centre in August, did you have any clear understanding from the tenants who had approached you to serve on the board as to what the difficulties were at the centre, or were you simply aware that there were problems?

Dr Truong: I guess the problem was made known to me in the sense there is a conflict between the manager at that time, Ms Luu, and the superintendent, Mr Tung Nguyen.

Ms Cronk: And when Ms Luu submitted her letter of resignation to you on September the third, did that issue also figure in some of the comments that she made in that letter?

Dr Truong: Yes, definitely. It was in the letter that she said she has some difficulty with the superintendent and she'd be glad to talk to me about her difficulty with the superintendent.

Ms Cronk: All right. Now, Dr. Truong, the committee, as you know, is charged by its mandate to investigate and determine matters related to a meeting in mid June of this year, June 17th, 1994, held with the Minister of Housing, Evelyn Gigantes. Did you attend that meeting?

Dr Truong: Yes, I was at the meeting on June 17th.

Ms Cronk: I'm putting the question to you on that basis because that is the mandate of the committee. It is not the mandate of the committee to inquire into the accuracy or inaccuracy of many of the concerns that were expressed in 1993 and subsequently about the Van Lang Centre. Do you understand that?

Dr Truong: Right. Yes, I know that.

Ms Cronk: Similarly, it is not the mandate of the committee to inquire into the adequacy or the inadequacy of responses made by anyone to those concerns. Do you understand that as well?

Dr Truong: Right, yes.

Ms Cronk: So I'm going to put a number of questions to you, Dr. Truong, that are intended to give you an opportunity to outline for the board your knowledge of events during the course of six or seven months, but not in any detail. I propose to do it rather quickly, and if you

need to see any of the documents that relate to it, just let me know. Otherwise, I don't propose to do that, but simply to speak to you about events over a six- or seven-month period of time. Would that be acceptable to you?

Dr Truong: Yes, that's fine. Right.

Ms Cronk: All right. Is it correct, Dr Truong, that following your receipt of Trinh Luu's letter of resignation in September, in the next several months you were dealing on a regular basis with Sharron Pretty in her capacity as a co-director on the board?

Dr Truong: Yes, I guess you can use the word "co-director." She was my vice-president, yes.

Ms Cronk: And you were both directors.

Dr Truong: Oh, yes. Right.

Ms Cronk: And prior to coming on the board, had you known Ms Pretty or met her?

Dr Truong: No, I guess before coming to the board I had never met Ms Pretty. My first time was on August the fifth.

Ms Cronk: When you came on the board and assumed the presidency of the centre, did you take steps to acquaint yourself with the background of the centre or the history of how the board had functioned in the past?

Dr Truong: Yes, I have asked to see some documents. I have asked the secretary at that time, Dr Can Le, to brief me on the financial position of the centre, on the organization of the centre, and on the outstanding problems that faced the centre at that time.

Ms Cronk: Did you review the minutes of past meetings of the board?

Dr Truong: Frankly, I did not.

Ms Cronk: Did you, by virtue of your discussions with Dr. Can D. Le, learn of concerns expressed by Ms Trinh Luu in May and June of 1993 regarding a number of matters, the superintendent being one, but a number of matters relating to the centre?

Dr Truong: No, I did not discuss those concerns, because at that time—I guess when I joined the board, Ms Luu did not approach me or did not bring to my attention any problems, so I felt that it was not, you know, my responsibility at that time yet to stir up problems or to bring contentious problems. So I just didn't ask any questions.

Ms Cronk: All right. Then after you did go on the board—and we've heard that the board met regularly, on a monthly basis. Is that correct?

Dr Truong: That's correct.

Ms Cronk: And did you attend most, if not all, of those meetings during the last year?

Dr Truong: Yes, I attended all the meetings last year.

Ms Cronk: All right. Starting really from August of 1993 forward?

Dr Truong: That's correct.

Ms Cronk: All right. Let's take the time period of August through to the end of December 1993. How would you describe your working relationship on the board with Sharron Pretty?

Dr Truong: I guess at the very beginning Sharron

Pretty seemed to be a very nice person, but very quickly it degenerated into some kind of mistrust between her and the whole board, to the point where, by the end of the year, I felt very uncomfortable with the attitude of Sharron Pretty on the board.

Ms Cronk: Did you, in the course of that, also become aware of differences between Ms Pretty and Dr Can D. Le?

Dr Truong: Yes, I became aware of that, because in all the meetings, Mrs Pretty kept on having verbal interchange or discussions on little points of nothing, really—with Ms Pretty. That was at that time, you know, "It's the secretary who did that; I don't like it," "The secretary did that," and so on, "Has got too much power," and so on. Yes, I was aware of that.

Ms Cronk: So I take it that there were exchanges. Would it be correct of me to assume that they weren't unilateral pronouncements, that they were exchanges between Dr Can D. Le and Sharron Pretty at the board meetings?

Dr Truong: Oh, yes, both ways, and I tried to mediate many times.

Ms Cronk: So that by the end of December, you, as I understand it, were uncomfortable with her role on the board. You were aware that there were difficulties between she and Dr Can D. Le that were certainly figuring in the board meetings, if I could put it that way—

Dr Truong: Right.

Ms Cronk: —and there seemed to be difficulties with the board as a whole. Is that a fair summary?

Dr Truong: Yes, exactly. May I add the following thing? As an experienced manager and as the president of the board, I felt it was my obligation to stop all those bickering and go on to the real business of the board, which is to look after the financial position of the corporation and to look after the safety and the happiness of the tenants.

So I guess at Christmastime, while taking the opportunity to call Ms Pretty to wish her a happy new year and merry Christmas, I asked her, you know, what can we do to get back on track and to leave aside all the differences and the quarrels? I asked her bluntly, "Sharron, I'll need your help to resolve the situation, because we cannot go on for ever like this on board meetings whereby you and Dr Le keep on quarrelling."

I asked her, "Tell me what I should do in order to solve the problem." She paused for about five, 10 seconds, and she said, "The source of the problem is Dr Le." I said, "Why do you say so?" She said, "He has too much power." I said, "Well, what do you think that makes you say he has got too much power?" Well, there was no answer to the question.

So as the president of the board, I felt that something needs to be done in order to resolve the problem and I told Ms Pretty, "All right, I would like to give all of us another chance to get back on track, to deal with the business of the corporation and to do the right thing." Also on that occasion, I was surprised at the visit of Mr Brian Sutherland on December 30th.

Ms Cronk: Could I stop you there and just back up a bit, sir? Then during the course of the fall, did you learn that Sharron Pretty had written to Evelyn Gigantes, the Minister of Housing, expressing a number of concerns with respect to the centre?

Dr Truong: I wasn't aware of those letters, no.

Ms Cronk: Were you aware, or did you become aware, during the course of the fall that Trinh Luu had written to the Minister of Housing requesting a meeting with her about matters related to the Van Lang Centre?

Dr Truong: No, I wasn't aware of that either.

Ms Cronk: Were you aware at that time that during the fall—sorry, the late fall, specifically during the months of November and December 1993—Ms Pretty had met with representatives of the Ministry of Housing, in particular Mr Brian Sutherland, to discuss matters related to the Van Lang Centre?

Dr Truong: I was not aware of those meetings.

Ms Cronk: The committee has heard evidence from others, Dr Truong, that an effort was under way in late November, early December, of 1993 to remove Sharron Pretty as a director from the board. Is that the case?

Dr Truong: Well, I don't think that that information is correct from my point of view, because as president of the board, I never had the intention to remove Sharron Pretty from the board.

1330

Ms Cronk: Leaving aside your personal intentions, Dr Truong, was it suggested in around that time frame, that is, November or December of 1993, that the tenant representatives on the board be replaced by two other tenant representatives identified by the tenants' association?

Dr Truong: I guess from that point of view—I wouldn't call it an attempt. It was the fact that the tenant association elected their own executive, and they know that they were invited to be on the board of directors and they should have two representatives on the board. So they indicated that they want to have the two people on the board, which means to say that those two former representatives of the tenants, Ms Pretty and Mrs Tran, should move over to leave room for those two new representatives who are duly elected.

Ms Cronk: And would you agree with me that there evolved some debate or controversy about, from Ms Pretty's point of view, the authority of the board to proceed in that fashion and the legality of the efforts to change the tenant-directors? Just without getting into the merits of it, is that correct?

Dr Truong: I don't know whether there was an effort or not, but I guess there was a contentious point whereby she would continue to be on the board as tenant-director.

Ms Cronk: And was she asked to step down and is it correct that she declined to do so and remained on the board?

Dr Truong: Yeah, that's true.

Ms Cronk: And do I have the time frame correctly, that is, the latter part of November or the beginning of December, in and about that time?

Dr Truong: That's correct.

Ms Cronk: So if I understand what you're telling the committee, as president of the corporation, is it correct that right up until the end of December 1993, you did not personally know of the correspondence between Ms Pretty and the Minister of Housing or her communications with representatives of the ministry in Ottawa?

Dr Truong: That's correct.

Ms Cronk: And is it also your evidence that as at the end of December, you did not know of Ms Trinh Luu's correspondence to the minister and the expression by her of concerns?

Dr Truong: That's correct. I did not know that.

Ms Cronk: And then you mentioned a few moments ago that Mr Brian Sutherland attended a board meeting on December 30th, 1993. Is that correct?

Dr Truong: Right. It took me by surprise.

Ms Cronk: Why is that?

Dr Truong: Because he came unannounced. He knew the date of the board meeting and then at the right time, there was Mr Brian Sutherland. It took me by surprise because I would expect that, as president of the board, Mr Sutherland would have called me and tell me why he's there and who invites him. But I guess as the meeting opened, I was told that he was invited by Mrs Pretty, and Mrs Pretty never told me anything about inviting Mr Sutherland to the board meeting.

Ms Cronk: What significance, if any, did you attach to the fact that he was there?

Dr Truong: As president of the board, I was a little bit flabbergasted that a senior official of the Ministry of Housing was at the board meeting without telling the board of directors he's coming. But I take it on the positive side. I said that's good, that at least I would be hearing the position of the Ministry of Housing regarding the Van Lang Centre, and also it would be an opportunity for us to show the real truth.

Ms Cronk: The real truth about what?

Dr Truong: In the sense that I knew Mrs Pretty was writing the ministry officials, because I got one copy of one letter she wrote to the president of the tenant association. I'm glad to see Mr Sutherland, because there would be an opportunity for us, as a board, to listen to the concern of the ministry.

Ms Cronk: The committee has heard evidence, Dr Truong, that on December 20th, 1993, Ms Pretty wrote to the president of the tenants' association regarding the effort to remove her as a director from the board and expressing concerns about that. Is that the letter you're referring to?

Dr Truong: Exactly, that's the letter. Then I start to realize that, well, I guess Ms Pretty has been writing or is writing to the Ministry of Housing.

Ms Cronk: Was that because the letter, on its face, indicated that it had been copied to representatives of the Ministry of Housing?

Dr Truong: I guess it was copied. Exactly. I got a copy and the Ministry of Housing got a copy.

Ms Cronk: At least, then, from that point, that is, from the time of your receipt of that letter of December 20th, you knew there had been contact between the ministry and Ms Pretty about matters related to Van Lang.

Dr Truong: I knew there was contact because of that letter. How much of a contact and how often, I did not know.

Ms Cronk: All right. Is it also fair to suggest to you, Dr Truong, that throughout the fall of 1993 Ms Pretty had been expressing, at a number of board meetings, concerns she had about Van Lang—again without getting into what they were, unless you feel we need to do that, and I'm inviting you not to—concerns about the direction of the Van Lang Centre, its staff and its management practices and issues related to her ability to access information? All of that was being raised with her from time to time during the fall?

Dr Truong: I guess I would have to put it in the proper perspective, those concerns. Ms Pretty was never specific in telling me exactly what concerns she has got. Definitely, on the access to information, I felt at that time that was not really important because whatever she ask, she have got it. Therefore, to me, to bring up the question of access to information was secondary, because I felt that was an excuse to speak up. She ask for the minutes, she got them. She got them before the board meetings; she got them after the board meetings.

She addressed her concern about the superintendent being incompetent, and I have difficulty with that also, in the sense that if the superintendent is very incompetent I would have heard from many tenants, many tenants, but she's the only one who is telling me that he's incompetent. As an experienced manager, as a person responsible on the board, you've got to listen to your vice-president, you've got to listen to your director, but also you've got to make use of your good sense, common sense: Where is the truth?

Ms Cronk: Leaving aside the merits of the concerns that were being expressed, do I have it that you were aware throughout the fall of 1993 of some of those issues being raised by Ms Pretty?

Dr Truong: Yes, I was aware of those issues, but I thought they were resolved—perhaps not to Ms Pretty's satisfaction.

Ms Cronk: In the sense of being resolved, do you mean by that that there was discussion of them and you felt a conclusion was reached, or are you really saying that you felt they were without merit?

Dr Truong: The problems were discussed, but the solutions were never accepted by Ms Pretty. It was discussed at board meetings, but she never accepted those discussions.

Ms Cronk: So in that sense, by the end of December I take it they weren't resolved.

Dr Truong: You can say it that way, you know, if we don't have a common ground. That's true.

Ms Cronk: Is that fair?

Dr Truong: That's fair.

Ms Cronk: Okay. Then, as you've indicated, Mr Sutherland attends the meeting on December 30th, and the committee has heard evidence that he addressed the board and spoke about a number of things at that meeting.

Dr Truong: I guess Mr Sutherland was there, and at that moment we asked him what could he do, from the ministry point of view, to resolve our problem? Because we were not exactly sure of the concern put forward by Mrs Pretty to the Ministry of Housing, because definitely Mr Sutherland wouldn't show there just for fun or just to say hello to us; he must be there because somebody is telling him something. So we asked him the question, "What is the real purpose of your being here?" and he says, "We have two core issues to address."

Ms Cronk: And did he identify those?

Dr Truong: Yeah, he identified those two core issues. Number one was the access of the tenants to Van Lang Centre and number two was the participation of tenants to board matters.

Ms Cronk: Did Mr Sutherland also suggest at that meeting that in the future, for the next several board meetings, representatives of the Ministry of Housing would be available to attend the board meetings?

Dr Truong: Yes. I guess at that time, as president of the board, for a few seconds I feel very awkward, because all of a sudden here is Ministry of Housing suggesting that an official of the Ministry of Housing sitting at every board meeting, which seems to be odd to me. But I guess for the positive aspect of the proposal, I took it positively and I say, that's great, because that would be helping to solve the problems we have on hand and it would be good also for the ministry to know what we are doing. I feel that as president of the board, we are a responsible group and that we are conducting the business of the corporation like any Canadian corporation.

1340

Ms Cronk: Would it be fair or unfair of me to suggest that really at that point in time—you, for example, told the committee about the concerns you had about Sharron Pretty's functioning at the board level and how the board meetings were going. You've also indicated that you had by that time become aware of conflicts between Dr Can D. Le on the one side and Sharron Pretty on the other. Would it be fair or unfair of me to suggest to you that by that time, the end of December 1993 and continuing into January, there really was considerable antagonism and acrimony at the board level? It was not functioning well?

Dr Truong: Let me put it in the other direction. We had our last meeting of the board on December 30th and the next meeting would be at the end of January, so we've got one month really whereby there was no contact between the board directors. But that gave me time to think about the whole situation, because with the visit of Mr Sutherland, with the board the way it was, as president of the corporation, I need to do something. I definitely need to do something as a responsible person of the corporation.

Ms Cronk: What did you do, Doctor?

Dr Truong: At that time, I remember all the statements made by different people from the very first session I was president. At that time, Mr My Nguyen, who was the treasurer, asked the board to consider to let him relinquish his position as secretary of the board and become only a member of the board at that time, when the financial statement or the auditing statement was in. And Dr Can Le at that time also say that he would like to be a member only of the corporation at the end of the year and he would relinquish his position as secretary.

Ms Cronk: May I just stop you there. Did you then set about a reorganization of the board?

Dr Truong: Yeah. During the short time I had at Christmas time, with the visit of Mr Sutherland also then, and with the board not running too well, as president of the board I've got to make some changes. Definitely, that's for the good of the corporation, I decide at that time to make the change.

Ms Cronk: And as a result of the changes that were made, is it the case that Dr Can Le ceased to be secretary and that you assumed that position?

Dr Truong: I guess I have to say I demote myself, if I can use that word, and become secretary, because I feel that perhaps the whole corporation need a new look at its business and it needs to get on with the business.

Ms Cronk: And Dr Tang became president?

Dr Truong: Yes, Dr Tang become president. I ask him to take the post of president, right.

Ms Cronk: And Sharron Pretty ceased to be vice-president?

Dr Truong: Yeah, Sharron Pretty ceased to be vice-president.

Ms Cronk: So that board reorganization, was it put in place by the end of January?

Dr Truong: I think so. At the meeting at the end of January or the beginning of February, we make the move to change the whole board.

Ms Cronk: Is it also the case that at the beginning of January, within some three or four days of Mr Sutherland's involvement at the board meeting on December 30th, the board wrote to Evelyn Gigantes and requested a meeting with her?

Dr Truong: Yeah. I sense at that time something serious developing, because as president of the board I felt that things may be getting out of hand, and the ministry may have only one side of the picture and it's about time for us to get the other side of the picture in.

Ms Cronk: Is that why you wrote to the minister?

Dr Truong: That is why I wrote to the minister, right.

Ms Cronk: And was the letter from you?

Dr Truong: It was a letter from me. Exactly.

Ms Cronk: Perhaps Mr Hunt could assist you by providing you with volume 2 of exhibit 1, tab 16. Is this the letter you sent the minister, Dr Truong?

Dr Truong: Exactly. That's the letter sent by me.

Ms Cronk: Do I understand you to be saying that the purpose of the letter, from your point of view, as its

author and as president of the board, was to seek an opportunity to present to the ministry, through the minister, what you felt to be the other side of the story?

Dr Truong: Exactly. I like the minister to know the other side of the story, because I felt at that time that there is only one side representation of the whole story and that side must be coming from Sharron Pretty. I was not aware, at that time, of the involvement of Ms Luu. I was not aware of her involvement.

Ms Cronk: When you say you weren't aware of her involvement, do I take from that that when you wrote this letter to the minister, you did not know either that Ms Luu had written to the minister herself seeking a meeting, in the fall, or that she was in discussions with Sharron Pretty about concerns at the Van Lang Centre?

Dr Truong: Right. I wasn't aware at all, totally unaware.

Ms Cronk: All right. We'll come to this in due course, but it's my understanding, based on evidence before the committee, that a reply to this letter was forthcoming from the minister at the end of March 1994, by letter directed at that point, I believe, to Dr Tang as president, indicating—I think it was to Dr Tang; it may have been to you, but either way, to the board—that the minister was not in a position in the near future to meet at that time. Am I right in that?

Dr Truong: Exactly. The minister also say in that letter that she's confident that the ministry officials are helping the Van Lang Centre resolving its problem. That was March, and the minister must have known at that time that the ministry officials have attended several board meetings with us already.

Ms Cronk: When did that begin, Dr Truong?

Dr Truong: Mr Sutherland attended the board in December. Mr Clement attended the board in January. I think we had another board meeting in February with Mr Shapiro and Mr Clement, and I know that Mr Clement attended the board in March. Whether that attendance is before or after the letter I received from Mrs Gigantes, I don't know. I forget.

Ms Cronk: May I return to the question I put to you a few moments ago, and that had to do with how the board was functioning at the end of December, the end of January. You've told the committee that as president you did two things: First you reorganized the board, effective by the end of January, you believe, and secondly, you wrote to the minister and requested a meeting. Both of those were actions you took in the month of January.

Dr Truong: Right, because I'm interested in getting actions and getting solved and resolved and we move on with the business of the corporation. I'm not interested in quarrelling and petty fights between a board director—between two board directors.

Ms Cronk: And is that how you regarded the concerns that Ms Pretty was raising?

Dr Truong: Yes. At that time, as president—when I was secretary, I regard it as a petty fight between two directors.

Ms Cronk: And to return to the question that I was asking you, is it fair of me to suggest that by the end of

December, towards the end of January, before the new board structure went into place, there was very considerable acrimony and antagonism evident at the board level in terms of its functioning? And I suggested to you that it was not functioning well.

Dr Truong: Well, I have attended many board meetings elsewhere, being management board, and having attended several management meetings at different corporations and so on, I have to say yes, we didn't function well. And definitely the board directors, some of them forget their role as board directors; perhaps they don't know their role and their responsibilities. And I guess that's to be expected because only a few members of the board are managers or have management experience. Some of them—Ms Pretty herself admitted that she got no management experience whatsoever. These things, you know, are bound to happen when you have people of different backgrounds on to a board.

Ms Cronk: There were other people on the board who didn't have any management experience in addition to Sharron Pretty, to be fair.

Dr Truong: Exactly. That's what I say. With so many different members, different experience, therefore you're bound to see those things.

Ms Cronk: And the difficulties between Dr Can Le and Ms Pretty that you had observed and that you were seeing on the board were reciprocal, if I can put it that way?

Dr Truong: Yes, very reciprocal. You know, one take a stab, the other one return the stab, and we try to mediate between the two.

Ms Cronk: And the further suggestion that I was putting to you was that there was, for that and perhaps other reasons, considerable acrimony and antagonism evident at the board level around that time.

Dr Truong: Well, I guess the acrimony or the antagonism come from some of the attitudes of Ms Pretty herself.

Ms Cronk: Excuse me, Dr Truong. I'm sorry to interrupt you, sir, but I didn't ask you for the cause of it. Can we deal first with whether the fact is correct.

Dr Truong: The fact is correct, very correct.

Ms Cronk: There was considerable antagonism and acrimony at the board level.

Dr Truong: Exactly, yes.

Ms Cronk: And again leaving aside the causes, because we could be here for a long time if I have to fully deal with everyone's perspective on that issue, you had a problem?

Dr Truong: Yes, we had a problem.

Ms Cronk: All right. And you tried to deal with it in at least two ways: by writing to the minister to seek a meeting, and secondly, by putting measures into place to reconstitute the board. Is that fair?

Dr Truong: Exactly.

1350

Ms Cronk: Thank you, sir. And is it also the case that throughout this period of time, happening at the same time, the fall of 1993, the Ministry of Housing had

undertaken a compliance review with respect to the centre?

Dr Truong: Yes, the ministry did that.

Ms Cronk: As president of the board, I take it you were fully aware that that was occurring?

Dr Truong: Yeah, I was fully aware that was occurring.

Ms Cronk: And the committee has heard that at a meeting of the board on February 8, 1994, the results of the compliance review were presented and that a Mr Bill Clement and Steven Shapiro were present for that purpose at the board meeting.

Dr Truong: Exactly.

Ms Cronk: Were you also present at that meeting?

Dr Truong: I was present. I was very interested in the result of the compliance report, because as secretary of the board at that time, it is my responsibility to carry out the business of the corporation and to change the things that need to be changed.

Ms Cronk: Would it be fair or unfair of me to suggest that following the reorganization of the board of directors and following the results of the compliance review, regrettably, the situation did not improve and difficulties continued on the board?

Dr Truong: You're completely right. The interesting thing to note to the committee, though, that before it was a fight between Ms Pretty and the secretary; now it becomes the fight between Ms Pretty and Dr Le.

Ms Cronk: I'm sorry. I didn't understand that, sir. Meaning that he's no longer secretary?

Dr Truong: Yeah. Before that she talk about the secretary only, but now that I become the secretary, it's no longer the secretary who is at the source of the problem.

Ms Cronk: I see. It remains, from your perspective at least, however, an issue between Dr Can D. Le and Ms Pretty?

Dr Truong: Exactly. Yes.

Ms Cronk: So you're saying that it wasn't, in your mind, associated with the status of office, the position of the individual.

Dr Truong: Yes. It has nothing to do with the corporation. It has nothing to do with the office of the secretary. It is a personal problem.

Ms Cronk: As you understood it?

Dr Truong: As I understood it.

Ms Cronk: That was your view?

Dr Truong: That was my view. Yes.

Ms Cronk: All right. Can you confirm for me that also in March 1994 Sharron Pretty wrote to Brian Sutherland of the Ministry of Housing and on at least one occasion a copy of that letter was provided to the board or came to the attention of the board, in which she raised a series of concerns, some of which related to Dr Can Le, some of which did not?

Dr Truong: What's the date of that letter again?

Ms Cronk: There are two, as I understand it, and

please give me your knowledge of the matter: March 1 and March 20, 1994. Were you aware of that, that she'd written to Brian Sutherland with those concerns?

Dr Truong: I don't know whether it is addressed to Brian Sutherland or somebody, but I know that at one board meeting—she wrote to the president. The letter I saw was written to the president.

Ms Cronk: Of the corporation?

Dr Truong: Of the corporation.

Ms Cronk: As distinct from your having seen any letter to Mr Sutherland?

Dr Truong: Exactly.

Ms Cronk: I see. Mr Hunt, if you could assist, I'd be grateful: Exhibit 2, tab 36. Do you have that, sir?

Dr Truong: Yeah, I got it in front of me. We're talking about tab 36, right?

Ms Cronk: March 20th, 1994, a letter from Sharron Pretty to Mr Brian Sutherland, and attached to it are a number of other documents. The first attachment, if you can go over a couple of pages, is a second letter dated March 20th. It is addressed to the board of directors and it is from Sharron Pretty. Is that the letter to the board that you're talking about?

Dr Truong: Right. Exactly.

Ms Cronk: And am I correct that in that letter Ms Pretty raises a number of concerns, some of which have nothing to do with Dr Can Le but raise issues relating to the management practices at the centre?

Dr Truong: Yeah, but I guess that's Mrs Pretty point of view. Mine may be different.

Ms Cronk: I understand, sir. Again, I'm not asking you about the merits of it. I'm simply suggesting to you that in this letter to the board a number of issues are raised, and they're not all specific to Dr Can D. Le. She's raising some pretty fundamental issues, whatever your view of them, whatever her view of them, concerning the operations of the centre. Isn't that the case?

Dr Truong: That's the case, but I'd like to take 30 seconds to address the two questions, which I think are independent of whether Dr Le was there or not. It was the access issue and the tenant participation. It is my understanding, with the visit of Mr Sutherland, that we have taken care of those two issues. That's why, to me, even though they are raised they are not relevant, because it was confirmed by Mr Sutherland that those issues were addressed by the board already.

Ms Cronk: Should I understand from that then, sir, that with respect to those issues you felt there was nothing further to be addressed by the board—

Dr Truong: Exactly.

Ms Cronk: —and therefore they were not?

Dr Truong: They were not? We pay attention to those things all the time, because this is what we have been doing since I join the board. They have been addressed constantly, even today.

Ms Cronk: Beyond those two issues, again without getting into all of the details of it, as I read it she's raising a number of issues and suggesting that she wants

a dedicated board meeting to be held on March 29th as an opportunity to discuss them in detail.

Dr Truong: Right.

Ms Cronk: Did you at some point towards the end of March or early April learn that she had written to Brian Sutherland with respect to some of these matters as well?

Dr Truong: No, I wasn't aware of that.

Ms Cronk: Also with respect to the month of March 1994, did you learn at that point, Dr Truong—recognizing that you're now secretary of the corporation, I have assumed from that that correspondence that came in to the centre would be drawn to your attention.

Dr Truong: Exactly. Every single piece of mail.

Ms Cronk: Did you learn in the spring that Ms Luu and Ms Pretty had written jointly to Evelyn Gigantes requesting a meeting with her?

Dr Truong: No, I wasn't aware of that.

Ms Cronk: When did you learn of that?

Dr Truong: Just at the committee hearing.

Ms Cronk: In matters leading up to this hearing?

Dr Truong: No, I think I learned about it during the hearing right here.

Ms Cronk: Leaving aside what paper you were viewing before you came here.

Dr Truong: Yeah.

Ms Cronk: You're saying to me that you did not know at any point during the spring of this year that Trinh Luu and Sharron Pretty had jointly written to the minister asking for a meeting.

Dr Truong: I have no knowledge whatsoever.

Ms Cronk: I see. During the month of April 1994 did you come to learn that Ms Pretty and Ms Luu had—let's just deal with Ms Pretty first—sworn a number of informations under the Provincial Offences Act of Ontario relating to allegations of infractions of the Corporations Act involving then current or former directors of the Van Lang Centre?

Dr Truong: I was not aware of that either.

Ms Cronk: When did you become aware of that?

Dr Truong: Somehow, I think I misunderstood the whole thing, because there were rumours circulating among the tenants that the board is going to be taken to court, and I was laughing my head off, not knowing exactly what was going on, because I felt there is no reason why we should be taken to court. Even some tenants asked me, "Are you going to be taken to court?" I said: "For what reason? Who's taking me to court for what?" So I was totally unaware of what's going on.

Ms Cronk: At what period of time were there rumours circulating with the tenants about the board being taken to court?

Dr Truong: I would think around April or May, because somebody asked me the question, "Are you going to be in court?" I said, "For what?"

Ms Cronk: Did you make any inquiries about that or did you just dismiss it as idle rumour?

Dr Truong: I just dismiss it, because I never believe

that something is happening.

Ms Cronk: From the time, Dr Truong, of your discussion with Sharron Pretty at Christmas time and the occasion of New Year's, the end of December, beginning of January, when you spoke to her about the difficulties at the board, through until the end of March 1994, how would you describe your working relationship with her on the board, your own working relationship?

Dr Truong: My own? Still very good, because I never had a problem with Sharron Pretty. I was interested in seeing her point of view, I trying to accommodate her point of view, I trying to accommodate her so that I can coax her back to behaving herself on the board, because as an experienced manager I know that sometimes you should handle people a different way, and my way was to say: "Come on, Sharron, what can I do for you? Let's be on the board together. Let's have fun together."

1400

Ms Cronk: Were there occasions, Dr Truong, when Ms Pretty suggested to you or informed you that she found the atmosphere of the board meetings and the attitude and behaviour of some of the other directors towards her as being intimidating?

Dr Truong: Well, Sharron—after a while you get to learn about her. She use big words some of the time. You know, she use the word "intimidating" many, many times at board meetings. I ask her one time, "What about the board, about us being so intimidating?" You know, she use the word, which I never understood.

Ms Cronk: Do I understand from that that the answer is yes, that she did make you aware, by talking about it at the board, of her feelings of intimidation at the board level?

Dr Truong: Yeah.

Ms Cronk: And that went on for a lengthy period of time.

Dr Truong: No, I guess she mentioned it, you know, a couple of times, but afterwards, she was so mad that—

Ms Cronk: Well, over a couple of months.

Dr Truong: Yeah.

Ms Cronk: With respect to your first actual awareness of charges having been initiated by her, given that you had dismissed the concerns the tenants were expressing as unfounded, when do you now recall first learning that informations had been sworn or charges initiated by Ms Pretty?

Dr Truong: When we get close to the date of June the second, I think it became pretty much clear from Mrs Pretty that we were being charged on June the second or the third.

Ms Cronk: In fact, Dr Truong, was there not an article which appeared in the Ottawa press on June 1 by James Wallace concerning the Van Lang Centre and the board? Do you remember that?

Dr Truong: Yeah, Mr Wallace in fact contacted me before he wrote the article.

Ms Cronk: Did you speak with him?

Dr Truong: I spoke to him, yeah.

Ms Cronk: And during the course of that discussion, was any mention made of charges or a legal action or proceedings?

Dr Truong: I do not recall whether he mentioned any charges or not. He said he's got some information in a brown envelope regarding some irregularities at the board. And to me, the word "irregularities" has got a stronger connotation than anything else. I like to know what are the irregularities, because at that time, as secretary and treasurer of the board, I do not know of any irregularities in terms of financial aspects of the corporation or management of the corporation.

Ms Cronk: Do you have any recollection, sir, as to whether he mentioned the legal action or legal proceedings or charges?

Dr Truong: I cannot recall.

Ms Cronk: Is it not the case that after publication of those articles, there was very specific indication that charges had been initiated?

Dr Truong: Yeah. I think when we saw the newspaper article, I guess on June the second, we don't believe it either. In fact, we wrote a statement to say that we had no court action.

Ms Cronk: Yes, and you sent that statement to the tenants in the building.

Dr Truong: Right, exactly, because we never believe it.

Ms Cronk: So are you saying to me that you did see the Wallace articles, at least, in Ottawa, an article by Mr Wallace, and although you took note or saw the fact that it made mention of charges, you still didn't believe it?

Dr Truong: We still didn't believe it.

Ms Cronk: And isn't it the case that Sharron Pretty had been saying for some time to tenants and to the office assistant at the Van Lang Centre, for example, and perhaps even to some of the directors, that charges had been initiated?

Dr Truong: No, she didn't say that. She said, "We take you to court." But to me that was an empty threat, taking to court, I can say to anyone, "I'll take you to court."

Ms Cronk: So that I understand, she didn't use the word "charges" but she said something that indicated that the directors were being taken to court.

Dr Truong: Exactly.

Ms Cronk: And she'd said that in advance of the Wallace article appearing, had she not?

Dr Truong: Right, exactly.

Ms Cronk: And you dismissed that. You didn't believe it.

Dr Truong: Yeah, I dismiss it, just like a form of empty threat.

Ms Cronk: And you also dismissed the content of the Wallace article when you saw it.

Dr Truong: I wouldn't use the word "dismiss." I was uneasy about its contents of the article.

Ms Cronk: And you didn't believe it.

Dr Truong: No. Well, I guess I couldn't recall

whether in that article he mention any court action or not, but he mention four other points which really were at the crux of his article.

Ms Cronk: I may have misunderstood, Dr Truong, but I thought I heard you say just a few moments ago that you had seen mention in the article of the charges but that you didn't believe it.

Dr Truong: Right, exactly.

Ms Cronk: Is that correct?

Dr Truong: Yeah, yeah.

Ms Cronk: So you dismissed that. You didn't think that was right at the time.

Dr Truong: Well, since we have no summons and Mrs Pretty never told us the charges, we said maybe empty threat.

Ms Cronk: You dismissed it. You didn't think it was right.

Dr Truong: Right.

Ms Cronk: And then, as I understand it, moving forward in the chronology, is it correct that a letter was received by the board from Mr Bill Clement of the Ministry of Housing, dated June 9, inviting the board to attend a meeting with the minister?

Dr Truong: Exactly. I got that.

Ms Cronk: I'd like you to look at that, if you would, sir. That's volume 3 of exhibit 1, tab 68. Do you have that, Dr Truong?

Dr Truong: I've got it.

Ms Cronk: This letter is addressed to Dr Tang as president. Do you recall, however, as secretary of the corporation, being asked by him to deal with the matter?

Dr Truong: In fact, I saw the letter before Dr Tang. As secretary of the board, as I say, every piece of mail went through me. Yeah, when I saw that, I instructed right away the office assistant to make copies of that and to give them out to all directors.

Ms Cronk: And did your instructions encompass Sharron Pretty?

Dr Truong: Yes.

Ms Cronk: You're quite sure about that?

Dr Truong: Yes.

Ms Cronk: I'm obliged to tell you, Dr Truong, that Sharron Pretty has given evidence before the—well, let me back up. To your knowledge, were your instructions carried out?

Dr Truong: Yes. In fact this Xerox copy was sent to all directors, with other documents.

Ms Cronk: To your knowledge, was a copy of it provided to Sharron Pretty?

Dr Truong: Yes, to my knowledge, it was done. It was hand-delivered to Ms Pretty.

Ms Cronk: Ms Pretty has given evidence before the committee that she did not learn of this letter or indeed of the proposed meeting with the minister until on or after June 13th when she received a copy of a notice to the directors calling a meeting of the board of directors for June 15th to discuss the summons received by board

members and the meeting with the Minister of Housing. She has also indicated to the committee that it was only after she got that notice, the notice of the June 15th meeting, that she picked up the telephone and spoke with you and learned from you of the intended meeting with the minister, and at that point, and only at that point, did she become aware of it. Just to be fair, I want to make sure you understand all of what's behind the question when I ask it. With that evidence in mind, are you clear in your recollection that in fact she was given a copy of the June 9 letter with the other directors?

Dr Truong: Yes. I ask at that time—I guess the events did not take place exactly the way it was put across right now. In fact I was at the office—I couldn't remember whether at lunchtime or at 4 o'clock or 5 o'clock—and also then Sharron Pretty came down to the office and asked whether I know of a meeting with the minister and I say, "Yeah, don't you have your copy of the invitation by the ministry?" She says, "No." Well, I got a copy in front of me right there on the desk of the office assistant because that copy couldn't be delivered to another director, a tenant-director of the board; she was away on vacation. I say: "Look, her copy is here. Why don't we make you a copy of that invitation" to give to her right there.

Ms Cronk: Are you saying you were there when it was given to her?

Dr Truong: No. Upon my instruction, it was given to her before, but then she came down later on to say she hadn't got a copy, so more or less, I gave her a second copy.

Ms Cronk: And when you say that your instructions were carried out the first time, are you assuming that, or do you know that?

Dr Truong: I gave instructions and I asked the office assistant whether that was carried out, and she say yes. And I asked her who carried out the instruction, who delivered and how it was delivered, and she said it was the acting superintendent who hand-delivered the whole thing to Sharron Pretty.

Ms Cronk: Is this the same superintendent about whom Ms Pretty had been expressing concerns over a matter of some time?

Dr Truong: No, no. He was on leave of absence at that time. That was his replacement.

Ms Cronk: So this was a different—

Dr Truong: Yeah.

Ms Cronk: I see. And did you attend the meeting of June 17th with the minister?

Dr Truong: Yes, I did.

Ms Cronk: What did you understand its purpose to be?

Dr Truong: I guess the purpose of that meeting for us as a whole board, including Sharron Pretty, was to present to the minister our side of the story. That's all. Maybe our side or our version and Sharron's version, because I like to hear Sharron's version also in front of the minister.

Ms Cronk: Your version of what?

Dr Truong: Of the events, of the problems of the Van Lang Centre, and I was interested to hear also Sharron Pretty's version in front of the minister.

1410

Ms Cronk: Is it the case that prior to going into the meeting on June 17th, the board of directors of the Van Lang Centre had issued a notice which was provided to all directors with a resolution calling for a meeting on Sunday, June 19th, at which time a vote for the removal of Sharron Pretty as a director was to be considered?

Dr Truong: Yes.

Ms Cronk: Did you as secretary of the corporation participate in the deliberations that went into the making of that decision?

Dr Truong: Yes.

Ms Cronk: Do I have the timing correctly that that notice was out before the meeting of June 17th?

Dr Truong: Definitely, yeah.

Ms Cronk: If I could just ask you if you would—if I can find it—look at tab 66.

Dr Truong: Of the same volume?

Ms Cronk: Yes, same volume. Is that the notice?

Dr Truong: Yeah, that's the notice.

Ms Cronk: After you received the letter from Bill Clement dated June ninth indicating the proposed meeting with the minister on June 17th, did you speak with him in advance of the meeting about either its purpose or the matters to be discussed at it?

Dr Truong: No. I did not discuss those things, no, not with Bill Clement or with anybody at the Ministry of Housing.

Ms Cronk: You did however speak briefly with Mr Clement as I understand it about the meeting with respect to who should attend it?

Dr Truong: Well, I have asked Mr Clement whether he would attend the meeting or not. He says, "No, I will not attend the meeting. That's a high-level meeting. It will be my boss, Mr Sutherland."

Ms Cronk: Did you have a discussion with Mr Clement after receipt of the June ninth letter in which he stated to you that all directors including specifically Sharron Pretty were to be invited to the meeting?

Dr Truong: Yeah, yeah, and in fact she was invited.

Ms Cronk: So you did talk to him between June the ninth and June 17th?

Dr Truong: Right.

Ms Cronk: But as I understand what you said, you didn't talk to him about either the purpose of the meeting or what was to be discussed at the meeting.

Dr Truong: Exactly.

Ms Cronk: Is that right?

Dr Truong: Yeah, that's correct.

Ms Cronk: Didn't you want to know that?

Dr Truong: I'm sorry?

Ms Cronk: Didn't you want to know that? Weren't you curious about why the minister was coming to meet with you and what was to be discussed?

Dr Truong: Well, I took it, you know, as a visit, whereby we requested the visit a long time and perhaps the minister, having found time now while she is in Ottawa, she'd like to meet us. That was to me—that was my thinking of the situation at that time, not being aware of any seriousness which has been develop elsewhere or under the action by Sharron Pretty.

Ms Cronk: By that time, that is, by June the ninth when you got the letter from Mr Clement informing you of the meeting—

Dr Truong: Right.

Ms Cronk: I take it the meeting was welcome to you?

Dr Truong: Exactly. Oh, yeah, we were glad, because how many times do you get a chance to meet the minister?

Ms Cronk: Right. This was not exactly an everyday occurrence.

Dr Truong: No.

Ms Cronk: Indeed, to be fair to you and the other board members, you had sought a meeting and it hadn't worked out. It wasn't held in the spring.

Dr Truong: Right.

Ms Cronk: So this was big news.

Dr Truong: Oh, definitely big news.

Ms Cronk: By that time, you were also aware, because of the Wallace articles and the other information in the centre, that Ms Pretty had initiated charges and that a number of people had been implicated in those charges, namely, a number of directors, right?

Dr Truong: Right.

Ms Cronk: That's what the Wallace articles said.

Dr Truong: Right.

Ms Cronk: Were you, before you went into the meeting on the 17th, served with a summons in that court case?

Dr Truong: Let me reconstruct the events, because I think I heard about the court case, the charges, on the second or the third, but my golly, by the fourth, I hadn't got any summons yet. So I laughed my head off. I say: "Yeah, I was right. It was empty threat again." That's why I was so bold. I was writing to the tenants. I say, "We got nothing wrong done." I was so bold at that time. And then I was advised by a friend, you know, that: "This is not an empty threat, this is serious. You are being charged." Now, how does he get that information, I do not know, but when he told me that I'm being charged, from a friend, I took it more seriously. And then truly enough, two or three days after, here comes my summons.

Ms Cronk: And did that occur before the meeting with the minister?

Dr Truong: Let's see. I think I got my summons on the 13th or 14th. I have definitely, yeah, yeah, yeah.

Ms Cronk: So you knew going into the meeting with the minister on Friday the 17th of June that those charges, contrary to what you had originally thought, were real?

Dr Truong: Yeah.

Ms Cronk: And that you personally had been named in at least one.

Dr Truong: Definitely, yeah.

Ms Cronk: It is also a fact, is it not, that when you went into the meeting there was then pending before the board a resolution for the removal of Sharron Pretty as a director?

Dr Truong: Yes.

Ms Cronk: And the scheduled board meeting to deal with that was two days later, on the 19th?

Dr Truong: Right.

Ms Cronk: With that in mind, did it occur to you when you went to that meeting, Dr Truong, that it might have something to do with the press article, the Wallace article, or the charges referred to in it?

Dr Truong: No, I never thought of that meeting being related to the press articles or the court case, no.

Ms Cronk: It didn't occur to you?

Dr Truong: Didn't occur to me, no.

Ms Cronk: Did you tell Mr Clement, when you were speaking with him, of the pending motion to remove Sharron Pretty as a director?

Dr Truong: Yeah. I guess all about actions or to these—at the board level we always sent a copy to Mr Clement. Yeah.

Ms Cronk: All right. At that point in time, I think you've said to the committee that you did not know of the letters that Ms Pretty had sent to Brian Sutherland, but you knew of the concerns that she'd raised directly with the board.

Dr Truong: Exactly.

Ms Cronk: And a copy of the letter that she had sent to the board was copied to the Minister of Housing, was it not?

Dr Truong: Say it again, please?

Ms Cronk: I'm sorry. Isn't it the case that a copy of the letter that she sent to the board of directors was sent to Evelyn Gigantes—

Dr Truong: Oh, yeah.

Ms Cronk: —the Minister of Housing?

Dr Truong: Yeah, yeah.

Ms Cronk: Also, as I recall, to Mr Sutherland?

Dr Truong: Yeah.

Ms Cronk: And that's the latter part of March?

Dr Truong: Right.

Ms Cronk: So, going into the meeting, you know, based on the information available to you, that a copy of a letter has been sent to the Minister of Housing outlining a number of concerns by Ms Pretty with respect to the Van Lang Centre?

Dr Truong: Right.

Ms Cronk: Did you know all of the people at the meeting, Dr Truong?

Dr Truong: No. I guess at the meeting—well, I guess definitely the members on the board, I know them all. I

guess the minister brought along two other assistants.

Ms Cronk: Had you met either of them before?

Dr Truong: No, first time.

Ms Cronk: Were they introduced to you at the meeting?

Dr Truong: Yes, they were introduced to me at the meeting.

Ms Cronk: Do you now know who they were?

Dr Truong: I wouldn't recall their names until I guess a couple of days, when I heard them so often on the committee that I know their names.

Ms Cronk: Was Mr Brian Sutherland present?

Dr Truong: Oh yeah, Mr Brian Sutherland was there, because I knew he was coming. I asked Mr Clement, and he said, "I will not be coming but my boss will be there."

Ms Cronk: Ms Pretty was there?

Dr Truong: Yeah, Ms Pretty was there.

Ms Cronk: And the minister, of course?

Dr Truong: Oh yeah, definitely.

Ms Cronk: When you went to the meeting, did you expect that Sharron Pretty would be there?

Dr Truong: Yeah, I expected her to be there because, you know, I felt that, you know, she wouldn't miss the opportunity. Neither would I.

Ms Cronk: I didn't hear that, sir?

Dr Truong: I say she wouldn't miss the opportunity. Neither would I.

Ms Cronk: That's something you had in common?

Dr Truong: Yeah.

Ms Cronk: How long did the meeting last?

Dr Truong: To the best of my recollection, we started about 11:30 and we finished around—before one o'clock.

Ms Cronk: Did you keep or make any notes yourself during the course of the meeting?

Dr Truong: No, I didn't make any notes because I didn't think anything serious would come out of that.

Ms Cronk: Did you notice whether anyone left the meeting at any point during the course of the meeting?

Dr Truong: No, there was nobody leaving the—

Ms Cronk: Did you notice anyone else making notes at the meeting?

Dr Truong: I know that Sharron Pretty was writing like mad. She was sitting next to me. I know that Dr Le jotted down some notes; maybe Dr Tang.

Ms Cronk: Do you recall seeing anyone else make any notes? Mr Sutherland?

Dr Truong: The assistants made some notes too, definitely one of them; I can't remember which one but, you know, I guess she was the secretary perhaps of the meeting for Ms Gigantes. She took notes.

Ms Cronk: Was the minister making any notes that you saw?

Dr Truong: No, the minister didn't take any notes. I guess Mr Sutherland—I couldn't recall.

Ms Cronk: Who led off the meeting? How did it start?

Dr Truong: Dr Tang, I guess, thanked the minister for coming to meet with the board of directors.

Ms Cronk: Had the board of directors prepared any materials for use at the meeting?

Dr Truong: Yeah. I guess, if you're used to being an experienced manager, when you're faced with a crisis you got to brief your boss. Definitely Ms Gigantes is higher up on the ladder. You got to brief her. So we prepared those notes—as an experienced manager.

Ms Cronk: Did you regard the situation at that point as a crisis?

Dr Truong: Well, I guess a minor crisis because the minister wouldn't meet with you without a crisis.

1420

Ms Cronk: So the fact that she was coming to see you about, as you understood it or at least as you interpreted it, concerns that had been raised in the past about the Van Lang Centre was a minor crisis. You were going to a meeting with the minister to deal with those issues.

Dr Truong: Right. I felt that the minister and the ministry were misinformed about the whole situation. They have got a one-sided story and we as a board, the rest of the board besides Sharron Pretty, act as responsibly—we don't want to bother the ministry in Toronto. We work closely with the ministry officials in Ottawa briefing them all about our situation at Van Lang, and the feedback we got from the ministry officials in Ottawa is that, you know, we are following all the guidelines put forward by the ministry, so therefore we have done nothing wrong.

Ms Cronk: Did you prepare then materials to brief the minister?

Dr Truong: Yes.

Ms Cronk: And were those materials provided to the minister at the meeting?

Dr Truong: I guess at the very end of the meeting Dr Tang handed over those—that briefing.

Ms Cronk: Who prepared it?

Dr Truong: It was drafted by, I guess, Dr Le but it was thoroughly discussed by Dr Tang, by myself, thoroughly discussed and we go over many, many points, and we made a lot of questions on that.

Ms Cronk: Could I ask you to look, Doctor, at tab 80, please? Are those the briefing notes that were prepared for use at the meeting with the minister?

Dr Truong: Yes.

Ms Cronk: And is this the document that was provided to her at—I think you said towards the end of the meeting?

Dr Truong: Yes, at the very end of the meeting.

Ms Cronk: The very end of the meeting.

Dr Truong: The very end, yeah.

Ms Cronk: I take it then that the discussion at the meeting didn't follow what's in this briefing note. This was just provided at the end.

Dr Truong: Exactly.

Ms Cronk: All right. And this was a meeting with the minister that had been some time in coming, given that

the board had requested it the previous January.

Dr Truong: Yeah. We never thought she would be taking out arbitration after three months, but then all of a sudden by May, she's coming.

Ms Cronk: Right. And it was by that time, you had written at the beginning of January, this was mid-June, so you're now going to have a chance to meet with the minister.

Dr Truong: Exactly.

Ms Cronk: Right. And had you ever attended a meeting with a minister of the crown of Ontario before?

Dr Truong: Not with a minister—I have to think about it. Like, I have met so many ministers, not with a minister of the crown of Ontario, with a lot of federal ministers.

Ms Cronk: All right. This was a matter of some importance?

Dr Truong: Yes. Very important.

Ms Cronk: And would it be fair of me to suggest that it was also a matter of some considerable seriousness in the sense—

Dr Truong: Definitely.

Ms Cronk: Yes?

Dr Truong: Yes.

Ms Cronk: Right. And was that because at least in part many of the concerns that had been expressed about the centre were of a serious nature?

Dr Truong: Well, I think that's a perceived conception only because, in my mind, to somebody it must be a very serious matter, but for me, as secretary of the board, being assured, I mentioned myself that we have followed all the guidelines of the Ministry of Housing, I felt that, you know, the board hasn't done anything which goes beyond or beside the guidelines, so I feel comfortable all along that the corporation has moved along the right direction.

Ms Cronk: And would it be fair or unfair of me to suggest—and I could certainly understand why this would be the case if it was—but would it be fair or unfair of me to suggest that this was also a matter where both pride and honour and reputation were involved because some of the allegations that had been raised went to some of those issues?

Dr Truong: I guess you mentioned three important words, "pride;" what else was that?

Ms Cronk: Honour.

Dr Truong: "Honour" and—

Ms Cronk: Reputation.

Dr Truong: "Reputation." Reputation is more. The word "pride" I can put aside; "honour" I can put aside; "reputation" of the corporation, that's important.

Ms Cronk: Well, then, on a personal level as well, wasn't it at least possible in your mind before you went to that meeting that having regard to some of the allegations and concerns that had been expressed and the matters that had flowed between Dr Can Le and Sharron Pretty that there was some issue of personal stature involved for the individuals who sat on the board?

Dr Truong: Personally, again as an experienced manager, the duties of the manager is to the corporation for whom he works or serves. So the reputation of the corporation to me is more important than my personal pride or my honour because, if I do something wrong, I better get off there.

Ms Cronk: I wasn't suggesting that you treated your own personal interest ahead of those of the corporation.

Dr Truong: Right.

Ms Cronk: I didn't mean to imply that at all. What I'm saying to you is that going into that meeting, you knew the seriousness of some of the allegations that had been made.

Dr Truong: Yes, definitely. Yeah.

Ms Cronk: And I am correct, am I not, that some of them did deal with issues of personal reputation and integrity, given the nature of the allegations, without getting into them?

Dr Truong: Right. "Integrity," that's the word. Definitely.

Ms Cronk: So that going into the meeting, it was serious for that reason as well?

Dr Truong: Yes, definitely. For me personally, "integrity" is the word. Yeah.

Ms Cronk: Thank you. I chose badly.

Dr Truong: Yeah, right.

Ms Cronk: On the concept and off the word. Is it not also the case that you were certainly aware that the charges were real going into the—

Dr Truong: Oh, yeah, by that time the charges are real.

Ms Cronk: And would it be fair of me to suggest that the situation had accelerated somewhat because of that? Quite a serious step had now been taken?

Dr Truong: By whom?

Ms Cronk: Sharron Pretty, in initiating the charges.

Dr Truong: Oh, yeah, oh, yeah, oh, yeah.

Ms Cronk: Was it your objective at that meeting to explain and put forward and provide detail to the minister of the board's position on all of this?

Dr Truong: No. I guess the objective which the corporation, or as the board of directors said, is not related to the charges. We just want to put forward to the minister that as managers of the corporation, we are doing our job right, we are responsible for the corporation and we're managing the corporation as it should be, without any doubt. And that was our objective to meet with the minister. I personally and I think the rest of the board, excluding perhaps Ms Pretty, we were not concerned about the charges.

Ms Cronk: All right. And were you, with all of those other factors in mind and all of those other circumstances that applied before you went into the meeting, interested in accommodating the wishes of the Minister of Housing and ministry officials at that meeting?

Dr Truong: No. I didn't expect to accommodate the ministry wishes, no. I think at that time, you know, we went in there very open-minded. We don't even know

what we're to discuss. We know only that we agreeing to talk about Van Lang Centre, and our objective was to present to the minister our side in the sense that we want to tell the minister that we are managing the corporation properly and the allegations against us which are not proper. That's all.

Ms Cronk: Was the subject of the charges brought up at that meeting, Dr Truong?

Dr Truong: No. I don't recall that it was brought up. No, I don't recall. I'm sorry, I should change that. No, I guess I'm mixing the newspaper article and the charges. Okay. All right.

Ms Cronk: Let me ask you again. Was the subject of charges, the charges that had been initiated by Sharron Pretty, brought up in the meeting on June 17th?

Dr Truong: No, I guess the matter was not brought up.

Ms Cronk: Was there any discussion at that meeting of legal proceedings, legal action or a court case?

Dr Truong: Everyone knew that there was a court case. Oh, yeah.

Ms Cronk: I understand, but was there discussion at the meeting of that?

Dr Truong: It was inferred to, but not the mention per se.

Ms Cronk: In what way was it inferred?

Dr Truong: Oh, that's a long story, if you want me to start on that one, in the sense that it was inferred to when—I'm just jumping to the end of the whole conversation, right, in a sense that all of a sudden on my right-hand side, Sharron Pretty says, you know, "It's in the hands of the crown attorney." At that time, I look at her and I was really surprised that, you know, she mentioned the word "crown attorney." But I'm just jumping, you know, events now.

Ms Cronk: That's fine. Was that the first time that there was an inference at the meeting, as you understood it, to legal proceedings?

Dr Truong: Right.

Ms Cronk: Was it close to the end of the meeting, did I hear you say?

Dr Truong: Very close to the end of the meeting.

Ms Cronk: About how much longer was there to the meeting after that comment was made?

Dr Truong: Five, 10 minutes.

Ms Cronk: Are you saying that at no time prior to that during the course of the meeting was mention made of legal proceedings, charges, a legal action, a court case, any of those words or that concept, even by inference, until five or 10 minutes before completion of the meeting?

Dr Truong: Exactly. Yeah.

Ms Cronk: Was there not at the beginning of the meeting, Dr Truong, an indication by the minister or an acknowledgement by the minister that she was aware of certain developments, including, among other things, the proceedings initiated by Sharron Pretty?

Dr Truong: Frankly, I don't recall.

Ms Cronk: When you say you don't recall, do you mean that it didn't happen or that you don't recall one way or the other?

Dr Truong: It's blank up here.

Ms Cronk: Does that mean you just don't know?

Dr Truong: No, I wouldn't say I don't know. I just don't recall.

Ms Cronk: You don't recall one way or the other?

Dr Truong: One way or the other. Yeah, exactly.

1430

Ms Cronk: Do you understand the difference?

Dr Truong: Oh, yeah, yeah. "One way or the other" means not at all; that's what it is. I don't recall at all whether she speak about it, that she talk about it or not.

Ms Cronk: So she might have; you just don't know.

Dr Truong: Exactly.

Ms Cronk: Then, when the topic was raised, by inference, at the end, towards the end of the meeting, five to 10 minutes from the end of the meeting, please tell the committee as best you can exactly what you recall the discussion to have been.

Dr Truong: I guess the first part about the whole meeting was I did not expect the minister to bring up new ideas to the meeting because, you know, that's a dead horse we're beating around for so long, about two—what do you call it now?—concerns. The dead horse was beaten so long that there's nothing new about the whole thing. Then the minister very carefully chose her words to say that she would like us to consider an option whereby we would sit down with an independent party to try to iron out our differences and see whether we can't understand each other and work with each other again. That was something very refreshing coming from the minister to propose that, because we had not thought of that solution.

Ms Cronk: What did you understand the solution to be?

Dr Truong: It was to sit down with a third party, a mediator or a conciliator, to go over our differences and to try to resolve our differences.

Ms Cronk: Was that the minister's proposal?

Dr Truong: That was the minister's proposal, and I found it very refreshing, because I didn't have that idea. Neither did the rest of the board, I think, have that idea.

Ms Cronk: Was it an idea that was acceptable to you?

Dr Truong: I think we jumped on the bandwagon right away. We're too glad to find a solution to the problem.

Ms Cronk: Was there, in the context of that suggestion being made by the minister, discussion or mention made of possible outcomes of that kind of a meeting?

Dr Truong: If I can recall her words or her thought, as I say, the minister chose her words very carefully. She said, "Sharron, I don't want to pressure you, but think about it. If you feel that the differences are resolved, would you reconsider your position?" if I can recall her words properly.

Ms Cronk: "Sharron, I don't want to pressure you. If you feel"—

Dr Truong: —"that your concerns are resolved, addressed, would you reconsider your position?" To think about it today, the minister never mention about our position, because I guess we didn't launch any action against Sharron.

Ms Cronk: Was there, in the context of that remark, any explanation by the minister of what she meant by Sharron Pretty's "position"?

Dr Truong: I guess at that time my concern is not with the court case at all, because I know it's there. My concern is to get back to the business of the board and make sure that we don't have any more petty discussions or a war going on at the board level.

Ms Cronk: Sorry, Dr Truong, I didn't make my question to you clear. I said that when the minister said that to Sharron, "If you feel your concerns are resolved, would you reconsider your position," when she said that to Ms Pretty, was there an indication by the minister of what she meant by Ms Pretty's "position"?

Dr Truong: No.

Ms Cronk: What did you understand her to be referring to?

Dr Truong: I guess that she's mad against us. You know, she's not participating at board activities, she's antagonizing everybody, she's saying bad things about us in the press.

Ms Cronk: Are you saying, Dr Truong, that when that remark was made by the minister, you thought that she was referring to Sharron Pretty's general attitude and behaviour with the board?

Dr Truong: Exactly.

Ms Cronk: How then was there in this part of the conversation an inference with respect to legal proceedings?

Dr Truong: This is where I was surprised, in that kind of conversation and mood, all of a sudden on my right-hand side, after the minister say, "Reconsider your position," I heard the word "crown attorney" being uttered. So I look at her because it comes as a surprise to me that, you know, the crown attorney is in the picture now. And she said, "Now it's in the hand of the crown attorney." Now I couldn't—

Ms Cronk: Who said that?

Dr Truong: Ms Sharron Pretty.

Ms Cronk: In response to what?

Dr Truong: To the fact that the minister says, "Reconsider your position."

Ms Cronk: Are you saying, then, that although you understood the minister to be referring to something different in respect to "position," Ms Pretty responded with reference to the charges?

Dr Truong: Exactly. That's why I still remember the jolt I got, because I looked at her right away. She was sitting right on my right-hand side.

Ms Cronk: And did the minister make any reply to that statement by Ms Pretty?

Dr Truong: No, I don't think she made any statement. I don't recall really. I was too surprised by the "crown attorney" statement that I guess whatever follow afterwards I didn't pay attention.

Ms Cronk: Was there any clarification offered at that point by the minister as to what she had meant in the remark that she'd made?

Dr Truong: No, I don't recall that the minister tried to elaborate more on that.

Ms Cronk: Did you jump in and say: "Wait a minute. I don't think that's what the minister's talking about. I think she's talking about the way you've been behaving at the board"?

Dr Truong: I think I did say, "What crown attorney?"—something like that.

Ms Cronk: That's a little different. Did you say to Ms Pretty at that point: "Wait a minute. She's not talking about the charges. She's talking about what you've been doing with the board all these months"?

Dr Truong: No, I didn't say that to her, no.

Ms Cronk: Was there in the context of that discussion a suggestion made by anyone around the table that if this further meeting was held in which a conciliator or a facilitator might participate, and if Ms Pretty's concerns were worked out to her satisfaction, she might not have to pursue her case?

Dr Truong: I guess these are perceived conclusions of other people, but I don't think that in my mind anything of that nature came up, really.

Ms Cronk: Do you recall that suggestion or words to that effect being used?

Dr Truong: No.

Ms Cronk: Dr Truong, I want to be very clear about this. Do you recall, in the context of the proposal for a further meeting, it being suggested to Ms Pretty, in one form of language or another, that one possible outcome of that meeting might be that her concerns would be worked out to her satisfaction or resolved and that she might not have to pursue the case?

Dr Truong: What was the question now?

Ms Cronk: Do you recall that being said, sir?

Dr Truong: You see, the word "case" has come up so often lately that truly I got to say that the word has been used in some context, yes.

Ms Cronk: At that meeting.

Dr Truong: At that meeting.

Ms Cronk: In the context I just put to you.

Dr Truong: It could be.

Ms Cronk: It was.

Dr Truong: It could be.

Ms Cronk: Was it?

Dr Truong: I say it could be because, as I say, I cannot recall everything at that meeting.

Ms Cronk: I'm suggesting to you it was. Are you saying it wasn't or just maybe—

Dr Truong: You're suggesting to me it was. I say it may be, yeah.

Ms Cronk: And that was a clear—and who said that?

Dr Truong: I cannot recall who said that.

Ms Cronk: Was it one of the directors?

Dr Truong: I just can't recall.

Ms Cronk: You can't recall one way or the other.

Dr Truong: I can't recall. You asked the question, "Who said that?" I say that I can't recall who said that.

Ms Cronk: One way or the other? You just don't remember?

Dr Truong: I just don't remember, yes.

Ms Cronk: Was any response made by Ms Pretty to the suggestion of a meeting or the suggested outcome of the meeting?

Dr Truong: Well, at that time, really, when that proposal was made, I was interested in having a date to sit down with her. That was my interest at that time.

Ms Cronk: Did she make any response? Did Sharron Pretty say anything—

Dr Truong: She was not committed to the meeting. I can't see in her mind, you know, whether she would accept or not accept. She was unsure herself. We pressed her for a date, and she was pretty nervous at that time because I think a lot of people were looking for a date, including myself, and she was pretty nervous at that time. That I can recall. She couldn't come up with a date.

1440

Ms Cronk: Did you attribute that to nervousness or simply an unwillingness on her part, at that very moment, to agree to a date?

Dr Truong: I guess both: nervousness and unwillingness to meet to resolve the problem.

Ms Cronk: Did she, based on what you observed, seem to be nervous at that point in the meeting?

Dr Truong: I guess I would have to say that Ms Pretty was pretty tense during the whole meeting.

Ms Cronk: Pretty upset?

Dr Truong: It was tense.

Ms Cronk: Tense during the meeting?

Dr Truong: Yeah.

Ms Cronk: And in fact, at one point at the meeting there was a fair amount of tension evident. Wasn't that the case?

Dr Truong: Oh, yeah, yeah.

Ms Cronk: And that included tension between Ms Pretty and yourself?

Dr Truong: Yeah. I think she used some words, I think "intimidating" or something, and I ask the question, "Is the fact I talk to you is intimidating?" because this isn't the first time she used that word. She used the word before during board meetings, and I just want to show to the minister this is the kind of things I got to deal with when I meet with—she keep on saying I'm intimidating her, and her remark was that, "How come they're so abusive and aggressive?" Now, I was surprised. How can I be abusive in front of the minister? She would have intervened.

Ms Cronk: Ms Pretty said that to you.

Dr Truong: Yeah, she said to me that I was abusive and aggressive.

Ms Cronk: Did Ms Pretty seem to you to be under pressure at that meeting?

Dr Truong: I wasn't under pressure. I don't know whether she perceived me to be under pressure or not. I don't know.

Ms Cronk: Sorry. You were—

Dr Truong: I was not under pressure.

Ms Cronk: I was talking about Sharron Pretty. Did she seem to you to be under pressure at that meeting?

Dr Truong: Does she be under pressure? I think definitely, because we asked for a date, she come up with a date. I guess in that case she was under pressure.

Ms Cronk: You're saying that she came up with a date at the meeting?

Dr Truong: No, she cannot come up with a date.

Ms Cronk: Cannot or did not? She didn't provide a date.

Dr Truong: She didn't provide a date, right.

Ms Cronk: That's different, isn't it? She just didn't give a date.

Dr Truong: Well, I guess to me she cannot or did not. Maybe there is slight subtleties which I cannot make a difference but, yes, she didn't have the date.

Ms Cronk: And she seemed to you at that point to be under some pressure.

Dr Truong: Oh, yeah, definitely, because all eyes are on her to come up with a date.

Ms Cronk: And were all eyes on her at the point where the possibility of a meeting and its outcome were discussed?

Dr Truong: The outcome of the meeting?

Ms Cronk: Yes.

Dr Truong: No, I guess the meeting was suggested to have a conciliator. Now, if you suggest a meeting, you suggest a conciliator, a mediator, you cannot guess at what the outcome would be.

Ms Cronk: Yes. We've talked about one of the suggestions that was made to Ms Pretty about a possible outcome, and what I'm saying to you is, was it at that point in the meeting when all eyes were on Ms Pretty and it seemed to you that she was under some pressure?

Dr Truong: Yes, I guess she was under pressure to come up with a date for the meeting.

Ms Cronk: And was the pressure to come up with a date for the meeting at the same time in the point of discussion when it was being suggested that this meeting be held and when there was mention of one possible outcome of the meeting? Was that all happening at the same time?

Dr Truong: You keep on referring to the outcome of the meeting—

Ms Cronk: Let's just focus on the time for a moment, Doctor, so that I'm clear. We've got three things here. One, you've told me that there was a proposal that a further meeting take place with a conciliator or a media-

tor, and you've told the committee that that was refreshing to you because you hadn't considered that idea.

Dr Truong: Exactly, exactly.

Ms Cronk: And then secondly you said that there was some pressure for a date, or at least it seemed to you—I don't want to put words in your mouth—that Ms Pretty felt pressured about coming up with a date.

Dr Truong: Right, yeah.

Ms Cronk: And you said at first that she couldn't come up with a date and then you agreed with me that it may simply have been that she didn't come up with a date.

Dr Truong: Exactly. Yeah, yeah.

Ms Cronk: All right. But it's at that point in the meeting that she seemed to you to be under some pressure?

Dr Truong: Right.

Ms Cronk: Previously, you had been aware of tension on her part?

Dr Truong: Right.

Ms Cronk: And I'm asking you, was it at that point when there was discussion of a possible date for the meeting and the possibility of holding such a meeting, that there was also discussion of a possible outcome of the meeting?

Dr Truong: Well, I guess I have a difficulty to guess what the intention is behind the "outcome" words really, because my concept at that time was the outcome of the mediating meeting. Now, I think what you referred to perhaps is something else, and I haven't got any thought about it right now.

Ms Cronk: No. I'm sorry, Dr Truong, we're misunderstanding one another. You told me a few moments ago that—excuse me just for a moment. Excuse me, Dr Truong, I wanted to make sure that I was right about something you said a little bit earlier so that I didn't misstate your evidence to you. I understood you to say a few moments ago that in the context of talking about that possible meeting, it was suggested that if the meeting took place and Sharron Pretty's concerns were worked out to her satisfaction, she might not have to pursue, I suggested to you, her case. I thought you said that it could be that that was said, so I thought we'd agreed on that.

Dr Truong: Yes.

Ms Cronk: I'm asking you, do you remember whether there was discussion of that kind at the point in the meeting when the other two matters were being discussed? Is it exactly around that time? That is, you're talking about the meeting, you're talking about the possible involvement of a conciliator, you're talking about a possible date, and it seemed to you that she was under some pressure at that point. Is it then that this suggestion was discussed? Are you with me or am I—

Dr Truong: I think you mentioned "suggestion" and I think you mentioned the word "case." I tried to link the two together, whether "suggestion" means the case or not. I don't know the answer.

Ms Cronk: You also said to me a few moments ago,

Dr Truong, that you guessed that the minister didn't ask the board to reconsider its position because "we—you said "we," meaning, I take it, the board—"didn't launch any action against Ms Pretty." I take it you mean legal action in the sense of a court case.

Dr Truong: Exactly, legal action, yeah.

Ms Cronk: Because the board certainly had launched action against Ms Pretty in the context of proposing a resolution for her removal as director.

Dr Truong: Right, exactly. You're right there.

Ms Cronk: At the time that it was proposed that a further meeting take place, was there discussion of the board's intention to remove Ms Pretty as a director?

Dr Truong: We still had the intention to remove Sharron Pretty as a director because we were supposed to meet on the 19th to discuss the matter.

Ms Cronk: Yes, you still had that intention.

Dr Truong: Yes, still had that intention.

Ms Cronk: My question to you, sir, is this: Was there discussion, at the time that the potential for a further meeting was raised, of the board's resolution or intention to remove Sharron Pretty as a director?

Dr Truong: I don't think that there is a correlation, whether Sharron Pretty would be removed as a director or not. There is no correlation there in the sense that the meeting that was suggested was more with the problems or concern of Ms Pretty vis-à-vis the corporation. Whether there is any inference to the court case or not, I cannot be specific. My mind wasn't on the court case at that time.

Ms Cronk: Dr Truong, I didn't ask you that, sir. What I asked you was, in the context of the discussion of a possible meeting, was there discussion of the board's intention to remove Sharron Pretty as a director?

Dr Truong: Say that again, please?

Ms Cronk: At the time that the meeting was being discussed, the possibility of a further meeting, was there discussion about the board's intention or its resolution to remove Sharron Pretty as a director? If you don't remember, please just indicate.

Dr Truong: I just don't remember, really.

Ms Cronk: Was there, at any point during the meeting, that you do now remember, discussion about removing Sharron Pretty as a director?

Dr Truong: I have difficulty understanding the question.

Ms Cronk: Okay. There was a resolution in place. The board had called a meeting for June 19th. You're the past president; you're now the secretary. You know what that means. There's going to be a board meeting, you're going to vote on whether she's in or she's out, right?

Dr Truong: Yes.

Ms Cronk: I'm asking you whether, at the meeting on June 17th with the minister, that matter was discussed.

Dr Truong: It was referred to, I guess, some time. I couldn't recall in what context, but everyone knew, you know, that she's—will be some action by the board against her, yes.

Ms Cronk: All right. And did the minister make any reference to the removal of Sharron Pretty as a director?

Dr Truong: I don't think so.

1450

Ms Cronk: All right. Dr Truong, I'm obliged to put to you that there has been evidence before this committee that during the course of this meeting it was proposed to Sharron Pretty and to the other directors present at the meeting that consideration be given to a further meeting to see if all of you could work together towards a resolution.

Dr Truong: Yes.

Ms Cronk: And it is Ms Pretty's evidence that in the course of that it was suggested to her that she might speak to the crown attorney, that a possible course of action was that she should speak to the crown attorney and either reconsider her court case or drop the charges, and that the board would defer or postpone her removal as a director. Did that happen, sir?

Dr Truong: I think that if I read the press, a lot of—

Ms Cronk: No, no, excuse me.

Dr Truong: I cannot recall that. Okay, let's put it this way.

Ms Cronk: Well, that's the answer I want—

Dr Truong: All right.

Ms Cronk: —not what you've read in the press.

Dr Truong: All right. Okay, sorry. I can't recall that.

Ms Cronk: When you say you don't recall, are you saying you don't recall one way or the other?

Dr Truong: I don't recall one way or the other, yes.

Ms Cronk: So it could have—

Dr Truong: It could have.

Ms Cronk: —you just can't remember.

Dr Truong: Exactly, yes.

Ms Cronk: And do you recall any further discussion about a crown attorney, other than what you've told the committee?

Dr Truong: Another crown attorney?

Ms Cronk: Any further discussion about the crown attorney, other than the one comment by Sharron Pretty that you've brought forward to the committee?

Dr Truong: I know the one Sharron Pretty mentioned, which crown attorney—you know, that would keep on being repeated a couple of times.

Ms Cronk: Was that the only reference to it?

Dr Truong: That's about the only time, really, the "crown attorney" words were used. I'd say, yes, that a few minutes after she pronounced those words, you know, the words "crown attorney" came up a couple of times.

Ms Cronk: All right. Could you go to tab 93, please, of whatever exhibit it is. I have one more question for you, Doctor. Do you have that?

Dr Truong: Yeah, I've got it in front of me right here.

Ms Cronk: This is a memorandum from Trinh Luu to

another individual dated June the 19th, 1994. It is referring to a meeting held, or at least an event, on Sunday, June 19th. That's two days after the board meeting with the minister.

Dr Truong: Right. Yes.

Ms Cronk: Do you recall seeing Ms Pretty and Ms Luu on Sunday, June 19th?

Dr Truong: Oh yeah, definitely.

Ms Cronk: And was that at the Van Lang Centre?

Dr Truong: Yeah, it was at the Van Lang Centre.

Ms Cronk: Did the scheduled board meeting, that is, the one scheduled to deal with the removal of Ms Pretty, go forward, or was it called off?

Dr Truong: Well, as I recall the events right now, it's rather a comedy really to me in the sense that, as secretary of the board, I was going to that meeting, and at the very last minute I realized that nobody's going to be at the meeting. So I forgot completely about the whole thing.

I told the office assistant at that time, you know, that there would be a meeting. When I learned there was no meeting, I forgot to call her up to say there's no meeting. So I forgot about completely the whole thing. I was going to go to the meeting, but then I was told not to go to the meeting.

Ms Cronk: Did you go?

Dr Truong: At the end I did, because then I sat down having lunch with Dr Le and he asked me, you know, whether the office assistant knew about the whole thing. I said, "My goodness, I forgot to tell her the whole thing is called off."

Ms Cronk: And when you got there, who was there?

Dr Truong: I call up the office and she says, "Yeah, you got people here waiting for you." I say, "Who's there waiting for me?" She said, "You know, the reporters, I guess, are calling to hear—Pat Dare and Dave Rider and—"

Ms Cronk: Excuse me, sir. Do you remember them being there, two male reporters?

Dr Truong: Yeah, oh yeah. Oh yeah.

Ms Cronk: And was Sharron Pretty there?

Dr Truong: Yeah. Then I say, you know, "Oh, in that case I better go there."

Ms Cronk: And did you go?

Dr Truong: Yeah, I went there. It was about 3:30. I was a bit embarrassed.

Ms Cronk: When you got there, were the two male reporters there still?

Dr Truong: Yeah, they were there.

Ms Cronk: Had you ever met either of them before?

Dr Truong: No, not before.

Ms Cronk: Was Sharron Pretty there?

Dr Truong: Yeah, Sharron Pretty was there.

Ms Cronk: Was Trinh Luu there?

Dr Truong: Yeah, she was there.

Ms Cronk: Was there a tenant by the name of

Michael Séguin there?

Dr Truong: Yeah, he was there. I was surprised too that he was there.

Ms Cronk: Did you know Mr Séguin? Did you know him as well?

Dr Truong: Oh yes, I know Mr Séguin.

Ms Cronk: And did you, in the course of—I assume some discussion took place among you after you arrived.

Dr Truong: Oh, yeah. A lot of things took place, you know.

Ms Cronk: And during the course of the discussion, did you say that there was an agreement at the meeting with the minister on the Friday that the board would postpone the decision to remove Sharron Pretty in exchange for her dropping the charges?

Dr Truong: I don't recall having said all those things.

Ms Cronk: Let's just deal with that thing, okay?

Dr Truong: Yeah.

Ms Cronk: Did you say, while you were there, that there had been an agreement on the Friday, at the meeting with the minister, that the board would postpone the decision to remove Sharron in exchange for her dropping the charges?

Dr Truong: I don't recall having said that.

Ms Cronk: Okay. And when you say that you don't recall, it's just important for me to understand what you mean by that, Dr Truong, so there's no debate about it later. Do you mean that you don't recall one way or the other, or are you saying you didn't say it?

Dr Truong: I don't recall one way or the other.

Ms Cronk: I take from that, sir, that it's possible that you did say that.

Dr Truong: It would be very strange if I said that, because I knew the implication, and I would not put it in that context.

Ms Cronk: Was it your understanding, Dr Truong, when you left that meeting on Friday with the minister that an agreement had been reached that if the board postponed the decision to remove Pretty as a director, she would drop her charges?

Dr Truong: No. That is definitely not the case, not the situation.

Ms Cronk: That was not your understanding

Dr Truong: This is not my understanding, definitely.

Ms Cronk: Was it your understanding that that would be considered as potential actions by the board on the one hand and by Pretty on the other?

Dr Truong: No, because I was going to the meeting at 2:30 to discuss the removal of Sharron Pretty. I was going to do that. That's why I have the office assistant report to me to open up the meeting room.

Ms Cronk: Why would you be going to be a meeting on the Sunday to remove Sharron Pretty if you understood that there was agreement to hold another meeting to try to work out your difficulties?

Dr Truong: The fact that really the Sunday meeting was never discussed on Friday the 17th. It was never

discussed, so to me when I left the meeting on Friday with the minister, in my mind—and in fact also that I was going to the meeting on Sunday. What are we going to discuss on Sunday? In my mind, I know that we were going to discuss the removal of Sharron Pretty.

Ms Cronk: But surely, Dr Truong, you didn't expect that another meeting would take place with Sharron Pretty with a conciliator or a facilitator to try to work out your difficulties and reach your resolution if you kicked her off the board on the Sunday?

Dr Truong: I was naïve in that sense that I thought, you know, those two things can go in parallel. Yeah.

Ms Cronk: Okay. Is there anything else, doctor, that you'd like to tell the committee about the meeting on June 17th that I haven't asked you about?

Dr Truong: No, I guess you have asked quite a few questions on that.

Ms Cronk: I sure have. Thank you very much, sir.

Could we take a short break before we carry on and before the caucus starts its questions?

Interjection: Yes, that's fine.

Ms Cronk: Could we take just five minutes before then, please?

The Chair: Okay. Have a five-minute recess.

The committee recessed from 1457 to 1512.

The Chair: We'll start rotation with Mr Chiarelli first.

Mr Chiarelli: Thank you, Mr Chair. Dr Truong, we've heard over several days that there was no fixed agenda for this meeting—at least, there was no agenda in writing—and various people came to the meeting with different understandings perhaps as to what would be achieved at the meeting.

Therefore, it's probably understandable that different people at the meeting were focusing on different remarks and perhaps reacting to them differently. You were asked by counsel to try to recall the words of the minister towards the beginning of the meeting, when she was talking about trying to resolve differences or mediate differences. You had indicated that the minister had asked Sharron Pretty to reconsider her position. I believe counsel was trying to find out from you what you meant by that. What was the minister intending to communicate when she used those words, if in fact she used those words?

Then you said very quickly, while you were explaining that, "I guess she didn't ask us to reconsider our position because we didn't launch any action against Ms Pretty." I took that to mean, when you said that, that the reconsideration the minister was talking about included some aspect of legal action and I think, in subsequent questioning, you said the action referred to legal action. Am I correct?

Dr Truong: Yes, I guess I didn't think of the question of the removal of Sharron, I was thinking more of the legal actions. We didn't bring any action on the court against Sharron.

Mr Chiarelli: And that's why she didn't use "reconsider" to your side of the dispute.

Dr Truong: Right.

Mr Chiarelli: She only used that to Sharron Pretty's?

Dr Truong: Yes.

Mr Chiarelli: Thank you. One other short, quick question: You mentioned that Sharron Pretty, on several occasions, I think at least two, mentioned the words "crown attorney." Am I correct?

Dr Truong: Yes.

Mr Chiarelli: At any time, when she mentioned those words, did Ms Gigantes or Mr Sutherland or anyone else mention that it would be improper to speak about a court case or anything involving a crown attorney, or were the words just spoken and then you went on to other subjects?

Dr Truong: Yeah, I guess nobody, you know, looked into the whole thing under that point of view and nothing was mentioned whether it would be improper or not. No.

Mr Chiarelli: So nobody corrected her that that should not be discussed at the meeting?

Dr Truong: That's correct. Nobody corrected her.

Mr Chiarelli: Thank you.

The Chair: Any other questions? Mr Callahan.

Mr Callahan: Just a short one. I was curious: When committee counsel was referring you to tab 93, and maybe your counsel could refer you to it—

Dr Truong: Yeah, I have it in front of me here.

Mr Callahan: Do you have it before you?

Dr Truong: Right.

Mr Callahan: And she read to you or asked you if there was an agreement at the meeting with Evelyn on Friday, June 17th, '94, that they would postpone the decision to remove Sharron, ie, the board, in exchange for her dropping the charges, your answer sort of left me in doubt. You used the words, "I knew the implication." What did you mean by that?

Dr Truong: Well, the fact that, as I say, I learned just before the 2:30 meeting that there was no meeting—

Mr Callahan: No, no, no.

Dr Truong: I know what you mean. And we discussed in the sense that when I learned that the reporters were there and that Sharron Pretty was there and Ms Luu was there—at that time I was with Dr Le, and it was clear that I wasn't to discuss the whole thing with the reporters.

Mr Callahan: Well, no, but your answer—maybe I didn't put the question clearly enough. Counsel suggested that you had said at that meeting that—I won't go with the agreement about the meeting, but she talked about "in exchange for her dropping the charges," and counsel asked you if those words were used. Your response was, "I knew the implication." Can you explain to me, what implication did you know? Did you know that dropping the charges was perhaps something that shouldn't be done, that shouldn't be discussed?

Dr Truong: No, that's not what I meant. What I mean to say is that when I went to the meeting on Sunday the 19th to meet the reporters, I was not supposed to discuss the court case at all.

Mr Callahan: All right, but I still don't understand what you meant by, "I knew the implication." I get the feeling that someone discussed with you the implication of a discussion of that type being inappropriate. Is that correct?

Dr Truong: Rephrase your question again, please, Mr Callahan.

Mr Callahan: Counsel said to you, at tab 93, that this is supposed to have been said by you: "We confronted him with a lot of uneasy questions. He said, to his understanding, there was an agreement at the meeting with Evelyn on Friday, June 17, '94, that they"—this is the board—"would postpone the decision to remove Sharron in exchange for her dropping the charges."

Committee counsel went through the first part with you and then through the second part, as I recall, and the second part was, "to remove Sharron in exchange for her dropping the charges." She said, "Did you say that?" and your answer was—I noted it—"I knew the implication."

Did someone tell you that the implication of your having discussed the question of dropping charges would perhaps put you in difficulty with the board?

Dr Truong: No, no. I think it's the wrong context. You know, the word "implication" that I've used is understood by you. I think what Ms Cronk was saying was, "Was it said or was it not said?" I said that when I went to the meeting on the 19th, I knew the implication that I should not discuss that.

Mr Callahan: You knew the implication what?

Dr Truong: On the 19th, when I went to the meeting, that I should not discuss the whole thing.

Mr Callahan: Well, I got it that you were talking about the implication—

Dr Truong: No, no.

Mr Callahan: You're saying that's not the case?

Dr Truong: No, no. Referring to the 19th of June meeting, at that time I knew the implication that I shouldn't talk about the court case at that time.

Mr Callahan: But that wasn't what you were being asked.

Dr Truong: Well, maybe I misinterpreted Ms Cronk's asking the question.

Mr Callahan: Maybe counsel will, in reply, try to clear that up, because that's not the impression I got.
1520

Mr Murphy: I just have one question. I imagine this, the issue we're here for, has garnered a fair amount of press coverage since June 1 in the Ottawa area.

Dr Truong: That's correct.

Mr Murphy: I would think that obviously, as the president until recently of the Van Lang Centre, that would be of great interest to you.

Dr Truong: I don't know whether it's great interest or great pain.

Mr Murphy: Fair enough—exactly—but it was certainly something you'd follow.

Dr Truong: Well, to be frank with you, I did not read all the articles.

Mr Murphy: But you've read some of them?

Dr Truong: Some of them, right.

Mr Murphy: Have you since, for example, the meeting on June 17th read some of the articles in which the minister has talked about what happened at that meeting?

Dr Truong: I was shown a few press articles, and I can tell you that whatever the press reported or said that she said wasn't said at the meeting.

Mr Murphy: Have you read quotes from the minister as to what the minister said she said at the meeting in those press reports?

Dr Truong: Yeah, I have read a few quotes from the minister, and I was surprised, because those quotes are new to me and they were not at the meeting. She must have said it after the meeting.

Mr Murphy: Thank you. Those are my questions.

Mr Charles Harnick (Willowdale): Sir, you told us earlier about the ministry starting to attend your board meetings, and you told us that you were quite surprised about that; it was very irregular.

Dr Truong: Exactly.

Mr Harnick: And in fact you were upset by it.

Dr Truong: Up to a certain point, yeah.

Mr Harnick: And you knew that it was Sharron Pretty who caused that to happen. Is that correct?

Dr Truong: I knew at that meeting only that Mr Sutherland was there at the invitation of Ms Pretty.

Mr Harnick: And you weren't happy about that.

Dr Truong: Yeah. Not so much because he was in there; because Mr Sutherland did not follow the protocol, neither did Ms Pretty follow the protocol.

Mr Harnick: And you were aggravated with her because of that. That's fair to say.

Dr Truong: No, I wasn't aggravated. I said she didn't have experience working in boards.

Mr Harnick: You weren't happy with her, anyway.

Dr Truong: Exactly.

Mr Harnick: All right. And then the next thing that happens, around the end of May, the beginning of June, you start to hear rumours about a court case.

Dr Truong: That's correct.

Mr Harnick: And you thought that was laughable; you laughed about it.

Dr Truong: No. I wouldn't say I laughed about it. Can we use the word—

Mr Harnick: This is before you were served.

Dr Truong: Can I use the word "smile" instead?

Mr Harnick: All right. You smiled; you really didn't treat it very seriously.

Dr Truong: Exactly.

Mr Harnick: And then the next thing you know, you open up the paper and you see an article in the Ottawa Sun by Mr Wallace making all kinds of allegations about the non-profit housing corporation. Is that correct?

Dr Truong: No. I guess before that I got an inkling

that something's coming up, because Mr Wallace called me at work and asked or said something which I didn't like very much.

Mr Harnick: And that made you upset.

Dr Truong: No, it didn't make me upset. As I say, the truth of the fact is that Mr Wallace says that "I got information in a brown envelope," and I say, "Who gives you that brown envelope?" He says, "That's my privilege," and he says I've got irregularities at the centre. I was upset when I heard the word "irregularities," because then I say: "Mr Wallace, I invite you to meet with me at the Van Lang Centre. Whatever documents you want to see I'll be more than glad to show to you, because I think we are running a clean operation here. We are running within the guidelines of the ministry. Please, you're welcome to see me and discuss the matter any time."

Mr Harnick: But, sir, you weren't happy with the article that was in the paper, were you?

Dr Truong: Oh, no, I was not happy. No.

Mr Harnick: And again, you would attribute those facts that ended up in the paper with Sharron Pretty, would you not?

Dr Truong: No. Today I have a different perception of the whole thing, because I know that Ms Luu is a participant in this thing. I did not know at that time.

Mr Harnick: Then the next thing that happens is that you're served with court papers, right? Around that time.

Dr Truong: I'm sorry, sir. Don't raise your voice, please.

Mr Harnick: Around that time you were served with court papers, in June, the middle of June.

Dr Truong: Right.

Mr Harnick: And you weren't happy about that?

Dr Truong: Are you happy when you get court papers yourself?

Mr Harnick: Sir, you just answer my questions. We'll get through this much more easily.

Dr Truong: I'm sorry, sir. If you ask questions in a nice way, I would answer in a nice way.

Mr Harnick: I'm trying to be as nice as I can.

Dr Truong: That's fine.

Mr Harnick: And when I ask you about being not happy with receiving court papers, the answer is no, you weren't happy?

Dr Truong: That's correct.

Mr Harnick: All right. In fact, you knew that Sharron Pretty had been the person that initiated those charges. Is that correct?

Dr Truong: Yes, to a certain point; I'd say to a certain point.

Mr Harnick: Then you spoke to a friend and found out that this was serious, it wasn't something to smile about.

Dr Truong: That's correct.

Mr Harnick: You became pretty furious with Sharron Pretty at that time, didn't you?

Dr Truong: No.

Mr Harnick: You were pleased with her?

Dr Truong: I was not pleased with her, but I was not furious either.

Mr Harnick: It was with this atmosphere in mind that you then set up a meeting on June 19th to remove her from the board, correct?

Dr Truong: No, I guess that is not the most fair. You know, you have to behave in responsible way when you are board directors. Don't forget, we are running a corporation here.

Mr Harnick: No, that's not my question. After you were served with the charges and you'd received the court papers, the next thing that happened was that you set up a meeting of the board to remove her.

Dr Truong: Let me think about the chronological events. I think we set up the system to remove her before we were served with the court papers.

Mr Harnick: We can check that. At any rate, then you had the meeting with the minister, and you went to that meeting, and Sharron Pretty was there and she was sitting beside you.

Dr Truong: Right.

Mr Harnick: At some stage during that meeting, you said that Sharron was unsure, that "We were pressing her for a date" and that she was very nervous.

Dr Truong: That's correct.

Mr Harnick: I think you described it that she was under great pressure.

Dr Truong: To come up with a date? Yes.

Mr Harnick: I think you also said that all eyes were on her.

Dr Truong: Yes, that was true.

Mr Harnick: And that includes the minister's eyes.

Dr Truong: I didn't look at the minister at that time. I looked at Sharron Pretty at that time.

Mr Harnick: In fact, everyone at that meeting wanted to resolve this problem, did they not?

Dr Truong: I think everyone would like to see a peaceful end to this dilemma that has been going on too long.

Mr Harnick: And it couldn't be done without Sharron Pretty agreeing?

Dr Truong: Definitely she's a partner; she's got to go along.

Mr Harnick: At some stage, when she was under pressure and everyone was asking her to make an agreement—

Dr Truong: No, no, not to make an agreement, just to agree to a date to sit down with a mediator.

Mr Harnick: That's when she turned to you and complained that you were being aggressive with her, isn't that correct, at that stage in the meeting?

Dr Truong: Yes, I was asking for a date, and she told me I was aggressive.

Mr Harnick: You were pressuring her.

Dr Truong: No, no, I was not pressuring her. I say, "What's the date?"

Mr Harnick: Sir, yesterday we heard evidence from your colleague Dr Tang. He's your colleague on the board, is that correct?

Dr Truong: Yes, he's our president.

Mr Harnick: Dr Tang told us that no agreement was made with Ms Pretty at this meeting. But what he said was that an arrangement was made whereby he believed that she would not pursue the case and that you would postpone the meeting to remove her. Now, that's what he told us. You told us that you had no recollection of those events.

Dr Truong: I guess you got to be fair in this treatment—

Mr Harnick: Well—

Dr Truong: No, hold on a second. Let me—

The Chair: Let the witness answer.

Dr Truong: Thank you, Mr Chair. I'd like to have my turn to answer that question. We were six or seven sitting at that meeting. Each one of us has a different view of the outcome of the meeting and how the meeting proceed. Dr Tang may have his point of view; I am entitled to my own point of view.

Mr Harnick: That's exactly what I'm trying to sort out here. You told counsel that you didn't remember an agreement or an arrangement being made.

Dr Truong: That's correct.

Mr Harnick: You had no recollection.

Dr Truong: That's correct.

Mr Harnick: But if Dr Tang says that an agreement or an arrangement was made at the meeting to drop the charges and to postpone the meeting to remove Sharron Pretty, we can rely on what Dr Tang tells us, can't we?

Dr Truong: I guess what Dr Tang says stand by him, what I say stand by me.

Mr Harnick: We can believe Dr Tang's evidence, can't we?

Dr Truong: Definitely, you can.

Mr Harnick: Thank you.

Mrs Marland: Dr Truong, you have told us a number of times this afternoon about your experience. You said, "I was asked to go on the board because they needed strong leadership." You said, "As an experienced manager" and so forth. I'm just wondering, with the background and experience you have, what you would mean by your statement: "I was coaxing her back to behaving on the board. Let's have fun together."

Dr Truong: Don't try to put more connotation to the words I used, in the sense that—I know maybe I have perhaps expressed myself a little bit loosely in that regard. What I'm trying to say only is that if you have someone working with you and someone getting mad at something, you've got to talk to that person and to bring that person back within the fold.

Mrs Marland: Well, Dr Truong, I'm using your words. I'm not using—

Dr Truong: I'm sorry. Perhaps I say I apologize for using the words a bit loosely.

Mrs Marland: Excuse me. I'm only using your

words. Some other words you used this afternoon are, "We're conducting the business of the board like any other Canadian corporation." Are you familiar with the Corporations Act?

Dr Truong: Yes.

Mrs Marland: Is there a requirement in the Corporations Act to have directors' liability insurance?

Dr Truong: Yes.

Mrs Marland: Does the Van Lang Centre have directors' liability insurance?

Dr Truong: Yes, today.

Mrs Marland: When did they get directors' liability insurance?

Dr Truong: I couldn't recall the date exactly, but it was reported on the minutes of the meeting about two months ago.

Mrs Marland: So you've only had directors' liability insurance for two months?

Dr Truong: We have some problem getting that director liability. We were aware. We try, but we have difficulty getting it.

Mrs Marland: No, I'm not asking you about the difficulty; I'm asking you how long you've had it. Would you agree that your answer just indicated that you've had directors' liability insurance for two months?

Dr Truong: Exactly.

Mrs Marland: Thank you.

Mr Phillip Hunt: In fairness, Mr Chairman, if there's a reason why it's only been there for two months, I think the witness is entitled to explain that.

The Chair: Yes.

Dr Truong: Thank you very much, Mr Chair, and thank you, Mr Hunt, for intervening on my behalf. We had difficulty obtaining the directors' liability in the sense that at the very beginning we sought directors' liability insurance, but then the company that was going to give it to us agreed, except that they're waiting for the financial report of the construction phase, which we had difficulty getting it.

Mrs Marland: That's fine. I only had one question. I was trying to establish how long you'd had it; I wasn't interested in why you didn't have it.

Dr Truong: We have sought, but we couldn't get it.

Mrs Marland: I'm trying to establish how long you'd had it, and your answer is that you've had it for two months. There have been reasons. You've explained the reasons why not.

When you say that you are conducting the business of the board like any other Canadian corporation and yet that board has been in existence for over two years and they have not had directors' liability insurance, I think it begs a question, which is this: Have you been paying legal fees out of the operating budget of the Van Lang Centre for legal actions against members of the board?

Mr Hunt: I'm trying to recall the terms of the summons, Mr Chair, but that is one of the subject matters of the informations in the Provincial Offences Act matters.

The Chair: I've got the clock stopped. Can we have just a two-minute pause here?

The committee recessed from 1534 to 1535.

The Chair: Ms Cronk, we're back on.

Ms Cronk: Mr Hunt, it's at tab 6. Could you take a look at it? I don't read it that way, but we should be clear about it before the question is ruled on.

Mr Hunt: Thank you, counsel. I have had an opportunity to review the text of the informations during the recess, and I was incorrect with the position I took before. But had I had the opportunity to reach that, the alternative ground for my objection is, simply put, that the question, to my mind, goes wholly beyond the terms of reference of the inquiry. On matters of that nature, I defer to you, but I do make the objection on that ground, recognizing that the previous ground is not supported by the information.

Ms Cronk: By way of advice to the committee, generally speaking I think Mr Hunt's point is well taken in the sense that the accuracy or inaccuracy of any of the allegations made against the corporation or the directors and the adequacy or inadequacy of any responses is generally beyond the terms of reference.

My concern is this: that I've indicated to you that there are credibility issues in this hearing. Ms Pretty has asserted certain facts. I take the question to be an exploration of whether one of those facts is correct that bears on credibility, and in that sense only, I would suggest you should allow it, but the merits of it shouldn't be pursued any further than that.

The Chair: I rule, on your advice, we limit it to that.

Mrs Marland: Dr Truong has told us about his strong leadership, and he's an experienced manager. He's told us why he was needed on the board. I'm simply trying to establish the credibility of those statements.

He also tells us that they conducted the business of the board like any other Canadian corporation. My questions are suggesting that not any other Canadian corporation that conducts their business under the Corporations Act would operate for two years without directors' liability insurance. And the question has been raised in evidence prior to now that legal fees have been paid out of an operating budget.

My question to you again, Dr Truong, is, do you think, with your strong leadership and experience as a manager, that you have been responsible to the taxpayers of this province, for a corporation which is supported substantially by taxpayers' money, by causing anything to be out of an operating budget that perhaps should not have been out of that budget?

Dr Truong: On point number one on directors' liability, I like to tell you that I join the board about a year ago. You mentioned that we don't have directors' liability for two years. I cannot defend my position when I was not on the board for the first year.

Mrs Marland: So you're saying it's not your problem for the first year—

Dr Truong: No, no. I didn't say that.

Mrs Marland: Excuse me. You can answer the

question when I'm finished asking it. I think your evidence today is that you've been on the board since last August, and that is one year. Your answer now is that anything prior to that isn't your responsibility?

Dr Truong: To a certain sense that's correct, because if I was not on the board, I cannot be responsible for actions before I was on the board.

Mrs Marland: Would you have a concern for the Van Lang Centre corporation operating at the taxpayers' expense without directors' liability insurance for their board members?

Dr Truong: I had great concern. That's why I worked to obtain it and now we obtained it.

Mrs Marland: Thank you.

1540

Mr Sutherland: I just have one question for you, Mr Truong, and that is, Mr Callahan, in his question, was making reference to tab 93 and references in there about "in exchange for dropping the charges." Do you recall as to whether the minister at the meeting on June 17th used that terminology, "dropping the charges"?

Dr Truong: I don't think she used that terminology.

Mr Sutherland: Okay, thank you.

Mr Owens: Dr Truong, you stated in your testimony that Sharron Pretty used language like "intimidation" before the meeting on June 17th. Is it your view that that was a word that she used a lot?

Dr Truong: Oh, yeah. She used that word quite often, and some other words, you know, big words. Yeah.

Mr Owens: In terms of the context in which she used words like "intimidation," was it your view that the language was not appropriate or in your view that any intimidation had happened?

Dr Truong: Yeah, you know, she just used those words sometimes I guess in the course of normal conversation and at the end you don't even know where you stand, because she used them too freely.

Mr Owens: Were you the only person that was on the receiving end of words like that?

Dr Truong: No, no, I wasn't on the receiving end. I heard them only. I guess I was on the receiving end one time only, in front of the minister, but I guess she used them against other board directors.

Mr Owens: You stated at the very end of the meeting that it was your view that Sharron Pretty felt pressured to come up with a date for the following meeting. Didn't the minister then tell her that she didn't have to feel pressured to come up with a date at that point?

Dr Truong: Uh, yeah, I guess the minister not only say for the date but, you know, she can think about even the idea of a mediator. Not just the date, you know, the idea of a mediator. She can think about it too; she can refuse it.

Mr Owens: Is it your view that the minister did not try to pressure Sharron or make her feel pressured during the meeting, and did she not tell her again, in your view, that she did not have to answer questions or feel pressured to do anything right away?

Dr Truong: Yeah, she repeated many times that Sharron doesn't have to answer the questions and should take her time to think about all those things.

Mr Owens: So it would be a fair statement to make that the minister did not do anything to put pressure on Sharron Pretty at that time of the meeting.

Dr Truong: I don't think that the minister put pressure on either side of the board, really. She was conducting the meeting in a very soft way, very much in choosing her words carefully so that they are not misinterpreted by either side and I felt good about the meeting because there was no pressure.

Mr Owens: So your testimony now is that you felt good after the meeting. I guess without raising the concern of counsel, can you tell me what your view of the other participants at the meeting at the end—what was the tone of the room at the end of the meeting? Was there a positive or optimistic tone? Was it an angry tone?

Dr Truong: I think it was positive and optimistic, because, you know, the fresh idea came up that we are going to sit together, resolve our problems with a mediator. That mediator—even it was considered not from the ministry, it was somebody come from outside completely. That was a good idea and I think a lot of people came out of the meeting very happy in the sense, you know, "Here is another opportunity, another way to solve the problem," and we did not realize that it degenerated today until this committee hearing.

Mr Owens: You were there for the entire meeting?

Dr Truong: That's correct.

Mr Owens: Counsel has asked you this question and I'm going to repeat it perhaps in a different way. At the meeting of June 17th with the Minister of Housing, Evelyn Gigantes, did the minister at any time, at the beginning, the middle or the end or after the meeting had broken up, ask Sharron Pretty to drop charges?

Dr Truong: The word "drop charges" I don't think was mentioned at all at the meeting. Now, I have heard that word "drop charges" since then many times all over the place, to the point whereby I become confused who used what and when and where.

Mr Owens: Was there any discussion using language like the word "deal"?

Dr Truong: No. I don't think the word "deal" was ever used at all.

Mr Owens: Was it your understanding then at the end of this meeting that what was hoped to be accomplished at a subsequent date to be named, a resolution with respect to court issues, as I understand them to be, tenant access and participation, were those the two core issues?

Dr Truong: Would you repeat that statement again?

Mr Owens: Tenant access and tenant participation, are those the two core issues that were raised?

Dr Truong: Yeah, those two issues seemed to be the main issue, the tenant access to Van Lang.

Mr Owens: Access and tenant participation.

Dr Truong: Yeah, tenant participation, right.

Mr Owens: So was it your understanding that those

were the two issues that at a future meeting, a date to be named, with no pressure put on Sharron Pretty to set a date, those were the two issues to be resolved?

Dr Truong: Exactly.

Mr Owens: And I'm going to ask you one more time, just to make sure that I'm clear and this committee is clear. At any time during this meeting, at the beginning, the middle or the end of the discussion or as the meeting was breaking up, did the minister ask Sharron Pretty to drop the charges? Did she ask Sharron Pretty to go to the crown prosecutor to drop the charges?

Dr Truong: She did not.

Mr Owens: Was there any discussion of the charges at this meeting?

Dr Truong: No, there was no discussion of charges.

Mr Owens: Thank you, Chair.

Mr Marchese: Mr Truong, you said that you are an experienced manager, and as a result of that, you listened to the concerns of Mrs Pretty on a regular basis and solicited her to come and talk to you about the problems; is that correct?

Dr Truong: You used the word "solicit her to come to discuss with me." Whenever I got the chance to talk to her, I like to ask her, you know, what can we do to make her feel more comfortable on the board.

Mr Marchese: All right, but that doesn't get to solving the problems. Obviously she brought problems to you and the board, and you said they were discussed at the board a number of times but you never reached a common ground.

Dr Truong: That's correct.

Mr Marchese: But in your view, you made many attempts to try to solve the concerns that she raised?

Dr Truong: Oh, yeah, not only through discussions at board meetings but also through a radical change of the reorganization of the whole board to try to solve the problem with Sharron Pretty.

Mr Marchese: From her own evidence, we got her view that the board never listened to her concerns, and as a result of that of course, she was taking her concerns beyond the board to be dealt with.

Dr Truong: Well, I guess she forgot the fact that we reorganized the board just because she mentioned to me over Christmastime that the cause of the problem is Dr Le. So having taken that as a clue to do something about Dr Le, I talked to him and we trade all the—well, I shouldn't use the word "trade." We change all the positions on the board so that we have new faces and let's try to make a start again at the whole board.

Mr Marchese: Did you at any point feel that she was satisfied with the answers that she was getting from you and/or the other board members?

Dr Truong: I remember at one time I says, "Sharron, I am a man of action; watch for action," just Christmas-time, before I make the change of the board, because you see that, to me, making the board working is more important than my own title of president. I demote myself from the presidency to take the role of secretary, suggesting business.

Mr Marchese: At one point, in response to counsel's questions, you said something that was interesting to me. You said she used the word "intimidated," that she was intimidated by you or all of you or some of you, but I think at some point you said, "Do you realize that we are intimidated by you?" Did I actually hear you say that?

Dr Truong: Say it again, that last one.

1550

Mr Marchese: I believe I heard you say, in response to a question the counsel asked, that Ms Pretty was saying she was intimidated by you.

Dr Truong: Yeah, very often.

Mr Marchese: I think I heard you say you were intimidated by her.

Dr Truong: Oh, yeah, I think—

Mr Marchese: Did I hear that correctly?

Dr Truong: To make it worse, she intimidate the whole staff. They are scared of her, right now.

Mr Marchese: Well, how does she do that? How could the whole board, or some of you or all of you, be intimidated? What happened?

Dr Truong: Well, I think I would use the word she "harassed" the staff to the point whereby I'm told that whenever they, the staff, saw her, they just shiver, tremble, because she said that: "We'll take you to court. We'll take you to the police. We'll take you all kind of things." We remind her, even right in this meeting, that board members should not abuse the human right of staff.

Mr Marchese: So what was your reaction when you felt intimidated or some members felt intimidated by her?

Dr Truong: We remind her in writing that board members should behave in a civilized manner and should act and talk nicely to staff, even in writing in the minister meeting.

Mr Marchese: At some point in the meeting of June 17th, you said that she turned around and said, if I remember correctly, "How come you are abusive," or "aggressive?" Was that the word you used?

Dr Truong: Right, right in front of the minister.

Mr Marchese: Could you recall for me the context of that? What did you say, or what did you say that got the two of you to react in that way?

Dr Truong: I couldn't remember what leads to that remark from Sharron Pretty, but I think it revolves around the fact that we were so happy with the new proposal put forward. I was happy because, you know, this is a fresh idea for me which I never thought of before, and here's a chance for us to finish the year or to finish our term together in a nice term, and if at the meeting she can be convinced that we are doing the right things, I'd like to have that date, and I guess perhaps I was pressing a bit too much for that date.

Ms Cronk: Excuse me, Mr Chair. Mr Hourigan and I are not sure yet whether the witness has said that members of the board felt intimidated by Ms Pretty, as distinct from members of the staff. He may wish to clarify that.

Mr Marchese: All right. The question I was asking for clarity from him was whether or not he felt intimi-

dated or whether he said, "We felt intimidated by her."

Dr Truong: I'm glad that you brought up the thing, because I can tell the committee that Ms Sharron Pretty intimidate and harass the staff of Van Lang Centre.

Mr Marchese: I heard that. But I was asking at the board meeting on June 17th the context, and you were beginning to explain and you were saying you were happy about the resolution of it and you were asking for a date or looking for a date. Did you prod her? Did you somehow make her angry for her to react that way?

Dr Truong: No. I guess I asked, you know, "What's the date?" That's why when she said I was intimidating her, I was surprised. That's why I asked the minister, "Do you think that I'm intimidating Ms Sharron Pretty?"

Mr Marchese: Thank you.

Mr Owens: Just a quick question: Mr Harnick asked you a question with respect to newspaper articles, and I believe it was your response to the question, "Had you read the newspaper articles? Did you agree with what the minister had said in the newspaper?"—

Mr Harnick: That was Mr Callahan.

The Chair: Through the Chair there, Mr Owens.

Mr Sutherland: It was Mr Murphy.

Mr Marchese: Continue.

Mr Owens: Sorry, it was Mr Murphy asked. Opposition: They all look the same. The question is with respect to the newspaper articles that Mr Murphy had asked the witness, or asked Dr Truong: Had he read the articles? Did he agree with the statements that the minister had made in the articles? My question is, have you read all the newspaper articles?

Mr Harnick: He said he didn't.

Dr Truong: No, I did not.

Mr Owens: And are you sure that when you answer the question that you were surprised by what you read the Minister of Housing saying, are you thinking—should you not have been referring to another party, Sharron Pretty? In the articles, are you sure that it was the Minister of Housing that you read more surprised at what she said and didn't agree with?

Dr Truong: No. I guess during the interview with the legal counsel, Ms Cronk, I was shown a few paper clips from Windsor, Toronto. You know, we in Ottawa, we're far from those places. And I read a few statements by the minister which truly were really new to me that were reported in those newspapers.

Mr Owens: I'm not sure which articles and what was new about the—

Dr Truong: I cannot tell you which article, but by local newspapers, not from Ottawa.

Mr Owens: It's all right.

Ms Cronk: Are you asking me to get into it?

Mr Owens: No. Thank you.

Ms Cronk: Dr Truong, I have just a few remaining questions for you. In questioning, forgive me, by someone—Mr Harnick—the date on which you were served and other board members were served with the summonses in respect of the informations laid by Ms Pretty

was somewhat uncertain. Could I ask you to look, please, at tab 77 of volume 3 of exhibit 1. These are, for the benefit of the committee, expurgated minutes of the special meeting of the Van Lang board on June 15, and over at page 2, Dr Truong, I just want to draw your attention to the first paragraph. Recognizing that this is a board meeting held on June 15th, it would appear that court summonses were received by all six of the named directors at least by June 15th. Would I be right in that?

Dr Truong: Yes, exactly, yes.

Ms Cronk: And that included yourself, sir. Is that correct?

Dr Truong: Yes, exactly. Right, yeah. By the 15th of June we had received the summons.

Ms Cronk: Yes, thank you. In light of a number of questions that you've been asked, Dr Truong, on behalf of the committee as a whole, I'd like to make sure that I understand what your evidence is, in two respects. First, you understand, sir, and I wish on behalf of the committee to make this reassurance very clear, that there are no allegations against you in this matter at all and you have served, I take it, as a volunteer director of this board for the time of your involvement. Is that correct?

Dr Truong: That's correct.

Ms Cronk: All right. And in that context, I take it, it would be fair to suggest you had a very troubled situation to deal with and that involved not only Dr Can D. Le and Sharron Pretty but the board as a whole and from time to time your own relationship with one or both of them. Would that be a fair overall suggestion?

Dr Truong: Yeah, yeah, yeah.

Ms Cronk: Thank you. And with respect to what happened at the June 17th meeting when you left, when you left that meeting, Dr Truong, did you think that Ms Pretty would be proceeding with her charges?

Dr Truong: I was left the impression she will proceed with her charges and we will go ahead with our meeting on the 19th, but we will also have the mediation meeting. All three will go together.

Ms Cronk: So that you thought she'd proceed with her charges, you'd proceed to remove her and you'd also proceed to have a meeting to try to work things out.

Dr Truong: Right, exactly.

Ms Cronk: Can you help me, then, as to why you felt good about the meeting when you left?

Dr Truong: Because I would like to make sure that Sharron Pretty is not going to leave us in a mad, you know, tense state of mind, because we know that we're going to finish our term by July, and I'd like to make sure that, you know, when we serve on the board together, we can have the term on a common ground.

Ms Cronk: And you told one of the members of caucus who was questioning you, and you told him this several times, and I understand your evidence on it, that at no time during the course of the meeting did the minister ever mention the phrase, "drop charges," or "dropping charges." Do you recall that evidence?

Dr Truong: That's correct, that's correct.

Ms Cronk: All right. My question to you is this: Did

anyone else at the meeting make reference to that phrase or that activity, dropping charges?

Dr Truong: The—what phrase, first? I cannot recall whether anyone used the word "drop the case" or not. I cannot recall that.

Ms Cronk: All right. More particularly, did Mr My Nguyen, who was a director present at the board meeting, make mention of dropping charges?

Dr Truong: I cannot recall, really. I cannot recall.

Ms Cronk: And so you cannot recall?

Dr Truong: I cannot recall.

Ms Cronk: Again, I need to know what you mean by that. You can't recall one way or the other?

Dr Truong: One way or the other. That's correct. I cannot recall at all.

Ms Cronk: In particular, did Ms Pretty ever use that expression during the course of the meeting?

Dr Truong: I don't think so. I don't think she used that phrase.

Ms Cronk: Was there discussion at that meeting about the possibility that she might not have to pursue her case or her action?

Dr Truong: It could be that perception in the mind of a few people, but in my own mind I think she will.

Ms Cronk: You expected that she would?

Dr Truong: Yes.

1600

Ms Cronk: All right. Was there discussion at the meeting of the possibility that she might not have to pursue her case or her action?

Dr Truong: That's correct, a possibility. That's correct, yes.

Ms Cronk: All right. And finally, will you look at tab 93 for me, Dr Truong? And just before I come to that, so that I'm clear about this, I anticipate that this committee will hear evidence that the Minister of Housing said not once, but several times during the course of the meeting, both to Ms Pretty and to others, but in particular to Ms Pretty, that she was not to feel pressured at the meeting.

Dr Truong: That's correct.

Ms Cronk: Do you recall that?

Dr Truong: Yes, she said that several times.

Ms Cronk: Do you recall specifically she said it several times?

Dr Truong: Yes, yes, she said, you know, that, "Don't feel pressure to answer," or, you know, to do something.

Ms Cronk: Did she also say to Ms Pretty and to the other board members: "Take your time. You don't have to decide anything today"?

Dr Truong: She said that many times. Yes, she said that many times.

Ms Cronk: All right. And looking at tab 93, you were asked some questions about this by myself and then by Mr Callahan, and I want to make sure that I understand what your evidence is. Did you, on June 19th, to Sharron Pretty—sorry, in the presence of Sharron Pretty, in the

presence of Mr Séguin, Trinh Luu and two reporters, say that there was an agreement at the meeting on Friday with the minister that the board would postpone the decision to remove Sharron in exchange for her dropping the charges?

Dr Truong: I don't think that, you know, I ever said that. I don't recall saying that.

Ms Cronk: All right. Because you told me earlier, I thought, that it could be; you weren't certain.

Dr Truong: Well, as I say, I don't think I have said that and I don't recall having said that.

Ms Cronk: And when you left the meeting, it's your evidence to the committee that you thought the board was going to go ahead and remove her and that Sharron Pretty was going to go ahead and drop the charges. Is that—

Dr Truong: Exactly.

Ms Cronk: Is that what your evidence is?

Dr Truong: Yeah, yeah, because at 2:30 on the 19th I was there—I was going to be there, you know, to discuss and vote on her removal.

Mr Sutherland: Sorry, counsel, could I just have a clarification? In the question you just asked, did you say it was Mr Truong's belief, after leaving the meeting on June 17th, that they were going to go ahead with the removal and Sharron was going to go ahead with dropping the charges?

Ms Cronk: No, I didn't, no: "with the charges." I didn't mean to say "dropping."

Mr Sutherland: Going to go ahead with the charges?

Ms Cronk: Yes.

Mr Sutherland: Okay.

Ms Cronk: That's what I intended to say. Let me be clear about that.

You're telling the committee that when you left, as far as you were concerned, the board was going to go ahead and remove Sharron Pretty and she was going to go ahead with her charges.

Dr Truong: Exactly.

Ms Cronk: All right.

Dr Truong: Yes.

Ms Cronk: Okay? And if then this committee hears or has already heard evidence from other people at that meeting who say that it was their understanding that an agreement was reached that the board would not remove her as a director and she would not proceed with her charges, but drop them, are you saying that that didn't happen and that that's not right? Or are you just saying your understanding—

Dr Truong: No, what I'm saying is that my understanding is completely different because on the 19th I was all set to go to the meeting at 2:30 to—and in fact I instructed the office assistant to open up the meeting room for the meeting.

Ms Cronk: I understand. I think you've made it quite clear to the committee what your own understanding was.

Dr Truong: Yes.

Ms Cronk: I just need to know if you're taking it further than that. Are you saying, "That's what my understanding was, and that's the way it was; other people are wrong if they say something different," or are you just saying, "That's my understanding"?

Dr Truong: Well, I don't say the people are wrong, but my understanding is that, you know, this is the way it was.

Ms Cronk: All right. Let me touch—

Dr Truong: I didn't say that the people were wrong.

Ms Cronk: This is the difficulty I'm having. Right?

Dr Truong: Yes.

Ms Cronk: Because Mr Harnick specifically put to you that it was Dr Tang's evidence last evening, as it was—

Dr Truong: Yes.

Ms Cronk: —that an arrangement was entered into at that meeting on June 17th that the board would not remove or would postpone the decision to remove Ms Pretty and that Ms Pretty would not proceed with her charges. You're saying that your understanding was exactly the opposite.

Dr Truong: Exactly. Exactly the opposite in the sense I did not come out of that meeting with the perception that the whole thing is going to be resolved by exchanging or trading. No, we are going to go ahead with everything.

Ms Cronk: But I take it from what you said to Mr Harnick, and please make any comment on this you wish, you're not saying to this committee that Dr Tang is wrong.

Dr Truong: I didn't say that. I say he's entitled to his opinion, to his thinking, and that's why in fact he was telling me—I met him at about 1:30 on the 19th—not to go to the meeting because there was no meeting, and I was going to go ahead with the meeting.

Ms Cronk: I see. Thank you. Those are my questions, Dr Truong. Thank you very much, sir.

The Chair: I'd like to thank you, Dr Truong, for spending the last, what, three days down here in Toronto. It will be great to get back home. Without your evidence there, this committee wouldn't function. Thank you.

Ms Cronk, you have a few comments on the length of sitting tonight, to give the committee members an idea.

Ms Cronk: If at all possible, I would certainly like to proceed to complete the evidence of Dr Can Le and Mr My Nguyen, and if the committee can deal with that, I'd like to press on. If that takes a great deal longer than I anticipate, I'll tell you.

The Chair: The committee will be recessed for 10 minutes.

The committee recessed from 1606 to 1621.

Report continues in volume B.

CONTENTS

Thursday 11 August 1994

Alleged breach of conflict-of-interest guidelines	M-621
Sue Lott	M-621
Hieu Truong	M-654

Continued in volume B

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

***Chair / Président:** Hansen, Ron (Lincoln ND)

Vice-Chair / Vice-Président: Wessenger, Paul (Simcoe Centre ND)

Dadamo, George (Windsor-Sandwich ND)

***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)

MacKinnon, Ellen (Lambton ND)

***Mathysen, Irene** (Middlesex ND)

McClelland, Carman (Brampton North/-Nord L)

Morin, Gilles E. (Carleton East/-Est L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

***Sutherland, Kimble** (Oxford ND)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland

Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan

Harnick, Charles (Willowdale PC) for Mr Villeneuve

Marchese, Rosario (Fort York ND) for Mr Dadamo

Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling

Murphy, Tim (St George-St David L) for Mr Morin

Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon

Winninger, David (London South/-Sud ND) for Mr Wessenger

Also taking part / Autres participants et participantes:

Hunt, Phillip, legal counsel to board members, Van Lang Centre

Kristjanson, Freya, legal counsel to Sue Lott

Clerk / Greffière: Freedman, Lisa

Staff / Personnel:

Cronk, Eleanore, counsel to the committee

Hourigan, William, counsel to the committee

McLellan, Ray, research officer, Legislative Research Service



M-26B

M-26B

ISSN 1180-436X

**Legislative Assembly
of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Thursday 11 August 1994

**Standing committee on
the Legislative Assembly**

**Alleged breach of
conflict-of-interest guidelines**

Chair: Ron Hansen
Clerk: Lisa Freedman

**Journal
des débats
(Hansard)**

Jeudi 11 août 1994

**Comité permanent de
l'Assemblée législative**

**Allégations d'enfreinte aux consignes
sur les conflits d'intérêts**

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944 – 1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY

Thursday 11 August 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Jeudi 11 août 1994

*Report continued from volume A.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES

CAN D. LE

The Chair: Our next witness is Dr Can Le. Welcome to the committee.**Dr Can D. Le:** Thank you very much, Mr Chair.**The Chair:** Legal counsel here will be asking you questions right after we affirm the oath.**Clerk of the Committee:** Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?**Dr Le:** I do.**The Chair:** Ms Cronk, your witness.**Ms Cronk:** Thank you, Mr Chairman. Dr Le, good afternoon.**Dr Le:** Good afternoon.**Ms Cronk:** Dr Le, as I understand it, you are a senior economist with Industry Canada in Ottawa.**Dr Le:** That's correct.**Ms Cronk:** And you have held that position, I understand, since approximately 1989. Is that correct?**Dr Le:** Yes.**Ms Cronk:** And prior to that, you worked with the Ministry of State for Science and Technology as a senior policy analyst in economics?**Dr Le:** That's correct.**Ms Cronk:** And at some time, as I understand it, around 1989, that ministry, or at least the part of it in which you worked, was renamed and became known as Industry Canada.**Dr Le:** Yes.**Ms Cronk:** All right. And I understand that you also hold a doctoral degree which you obtained in economics from the University of Toronto in 1979.**Dr Le:** That's correct.**Ms Cronk:** And that you moved to Ottawa in 1973, where you have resided since, continuing to date.**Dr Le:** That's right.**Ms Cronk:** Dr Can Le, I have a number of questions for you concerning matters related to the Van Lang Centre, it'll come as no surprise to you—I understand you've been here since at least Tuesday and you're aware of the proceedings—**Dr Le:** Yes.**Ms Cronk:** —and a number of questions specifically concerning a meeting held with the Minister of Housing, Evelyn Gigantes, on June 17th, 1994. It's my understanding that you attended that meeting. Am I correct in that?**Dr Le:** That's correct.**Ms Cronk:** Dr Can Le, at the outset, I wish to reiterate, as I have with other witnesses, that the committee is aware that in respect of the Van Lang Centre and its board of directors and management practices over the year 1993, through into June of this year and prior to the spring and summer of 1993, various allegations or concerns were raised at various times by Ms Trinh Luu, Ms Sharron Pretty and, in addition, from time to time a tenant by the name of Michael Séguin. Can I stop there for a moment? Are those facts substantially correct?**Dr Le:** That's correct.**Ms Cronk:** And at various points there were responses to those allegations or concerns by one or more members of the board of directors or by the board acting as whole. Am I right in that?**Dr Le:** Yes.**Ms Cronk:** You among them?**Dr Le:** Mm-hmm. Yes.**Ms Cronk:** Do you understand, sir, that this committee's work is not concerned with the accuracy or inaccuracy of any of those allegations or of the adequacy or inadequacy of any of the responses made by any of the involved parties?**Dr Le:** I understand that.**Ms Cronk:** Do you understand as well, sir, that there are no allegations made against you in respect of this hearing whatsoever?**Dr Le:** I understand that.**Ms Cronk:** All right. In that context, Dr Le, I wish to ask you a number of questions about your historical involvement with the Van Lang Centre leading up to the meeting with the minister in June of this year, but if it's agreeable to you, I propose not to refer to very many documents unless you feel that you need them, and in that case please just tell me that and I will attempt to find whatever document it is that you wish to refer to. Would that be an agreeable way to proceed?**Dr Le:** Yes, that will be all right with me.**Ms Cronk:** All right, thank you. Dr Le, as I understand it, your involvement with the Van Lang Centre, unlike the involvement of some of the other directors from whom the committee has already heard or will hear, goes back a little bit further in time and that you were

in August, and from that time forward, would I be correct in suggesting that because of your role as a director and secretary, you began to work with her on a regular basis at the board level.

Dr Le: I would like to go a couple of months before that, because in the spring of 1993, following our survey of tenants' satisfaction in which Miss Pretty made a comment to the effect that she would like to speak to the board regarding the survey, that is, result of the survey—so that was the first time when I call her in my capacity as secretary and I spoke to her, and she had very, very good comments about the maintenance of the centre as well as the performance of the superintendent. And I—subsequently I found that Miss Pretty seemed to be active, seemed to have quite a few initiatives that she would be able to contribute to the organization. So I invite her, together with two other tenants, to serve on an ad hoc committee, ad hoc tenants' committee, to support the board of directors, because at the time there was no tenants on the board of directors.

In that capacity, I had the chance to work with Miss Pretty until I encourage her to join the board, and subsequently she was nominated by the interim executive committee of the tenants' association as their representative on the board.

Ms Cronk: All right. Thank you for that, Dr Le. Am I right, then, that from the time that she came on the board in August of 1993 forward, because of your continuing position as both a director and secretary of the corporation, you were dealing with her on a regular basis in those capacities.

Dr Le: That's correct.

Ms Cronk: All right. And you were serving as a volunteer director of this organization at that time?

Dr Le: All the time.

Ms Cronk: Exactly. And Ms Pretty was a tenant nominee to the board, along with another tenant representative, from August 1993 forward.

Dr Le: That's correct.

Ms Cronk: And without getting in again to the merits of it in any way, there, over time, emerged an issue, did there not, as to whether her original appointment to the board was intended to be interim or temporary or of a greater term? There was an issue over that. You don't have to get into what it was. Is that right?

Dr Le: That's right.

Ms Cronk: Okay. Then in the context of what was happening at the Van Lang Centre in the fall of 1993, you continued on as secretary and Ms Pretty was serving as a director.

Dr Le: Yes.

Ms Cronk: And did you, over the course of the fall, become aware that she, Ms Pretty, had written to the Minister of Housing, Evelyn Gigantes, in the latter part of October expressing a number of concerns regarding the Van Lang Centre.

Dr Le: I was not aware of that.

Ms Cronk: All right. When did you first become aware of that?

Dr Le: I believe some time by the end of the year. She wrote something to the board of directors, or to the president of the tenants' association, and she copied the letter to the Minister of Housing. So at that time we became aware that she start to make her concerns known to the ministry staff as well as the minister.

Ms Cronk: So you were not copied with or provided a copy of that letter by Ms Pretty, the October 29th letter.

Dr Le: I don't recall so.

Ms Cronk: And similarly, did you, on or about the beginning of November or in the weeks following that, become aware that Ms Trinh Luu had herself written to the Minister of Housing requesting actually a meeting with the minister about matters relating to the Van Lang Centre?

Dr Le: I was not aware of that.

Ms Cronk: At the time, did you know that Ms Trinh Luu and Ms Pretty had together met with representatives of the minister's constituency office in Ottawa and asked for a meeting about matters related to the Van Lang Centre?

Dr Le: I didn't know that at the time.

Ms Cronk: All right. Now—I'm sorry, you did not?

Dr Le: I did not know about that at the time.

Ms Cronk: The committee has heard that in the month of November or early December of 1993, there was an effort or an initiative undertaken with a view to removing Ms Pretty from the board as a director. Do you recall that?

Dr Le: I recall that as an action by the tenants' association. As you know, previously they had an executive committee and they didn't have the bylaws. But I believe it was the end of, to the latter part of 1993, the association membership approved their constitution and also they elect their first executive committee. And, as a result, they also elected two persons as nominees to the board of directors of the centre.

Ms Cronk: My question—and, again, I thank you for that background, Dr Le. My question, however, wasn't directed to who had undertaken the initiative in the sense of whether it was the tenants' association or the board or someone else. But now that you have raised it, it is a fact, is it not, that Dr Truong wrote to the tenants' association at the beginning of November 1993 and inquired of them who they wished their future tenant representatives to be, and that it was in reply to that letter that individuals other than Ms Pretty were named? Do have I those facts correct?

Dr Le: That's correct, because Dr Truong, as well as the board, became aware that the tenants' association just approved their constitution and also elected their executive committee, and therefore the board would like information from them, from the association, as to whom they would like to nominate to the board of directors, whether they would like to retain the current nominees or whether they would like to nominate new ones.

Ms Cronk: Leaving aside who did what or how that all started, Dr Le, my only point was you were aware, I take it, of the initiative to remove Ms Pretty in November

or December. You knew it was happening. You were on the board.

Dr Le: I wouldn't use those terms, because it would be up to the tenant association to decide whom they would like to nominate to the board of directors. Now, if they decided to retain their current nominees, then there would be no issues. But on the other hand, if they'd like to nominate new ones, this would be entirely up to them. So I would not term it as an attempt to remove Sharron Pretty from the board of directors.

Ms Cronk: Wasn't Ms Pretty asked to step down from the board and didn't she decline to do so on or about the month of November or December 1993?

Dr Le: I wouldn't say that she was asked to step down. We were informed by the tenants' association that they would like to have two nominees to the board, and that information was presented to Ms Pretty. It would be up to her to decide whether she still represented the association, whether she would still sit on the board as a representative of the tenants' association. But she was not asked to step down, as it would be up to her to decide what course of action she should take.

Ms Cronk: Well, when you say that, Dr Le, should we understand that you did not ask her to do so? You didn't ask her to step down; that's what you're saying.

Dr Le: I don't recall either myself or anyone else asking her to step down, because it would be up to the tenants' association to decide on that question.

Ms Cronk: Well, sir, all I'm suggesting to you is, you're not really in a position to tell the committee what others may or may not have asked you to do. All you can say is that you didn't, is that right? You did not ask her to step down.

Dr Le: I don't recall so.

Ms Cronk: In December, on or about December the 20th, she wrote to the board of directors on this specific matter, as I understand it, and indicated effectively that she would not step down and that she intended to carry on as a director. Do I have that right? Apparently not. What did I get wrong there?

Dr Le: I don't know—

Ms Cronk: Could I show you the letter? Would that be of assistance, Dr Le, if I showed you the letter?

Dr Le: I had recalled that there was such a letter from Ms Pretty, but at a meeting before that, she indicated that she would step down. She even expressed her appreciation for the opportunity to serve on the board. So we thought at the time when she became aware of the decision of the tenants' association she would take it on herself to step down from the board of directors. But I think that apparently she changed her mind after that meeting.

Ms Cronk: I see. Is it at least right, then, sir, that at some point on or about December the 20th, 1993, she wrote to the board of directors and indicated that she would not be stepping down?

Dr Le: That would be correct.

1650

Ms Cronk: When you said a few moments ago to the

committee members that you learned of Ms Pretty having corresponded with the Ministry of Housing on various issues, it was after you'd seen a copy of that letter and realized that it had been copied to the ministry. Did I hear you say that?

Dr Le: That would be the first time that I became aware that Ms Pretty started to make her concerns known to the ministry.

Ms Cronk: And by that letter, did you also learn that she was raising some concerns related to yourself and your role as secretary?

Dr Le: I think that that stemmed from the fact that she first expressed—

Ms Cronk: Excuse me for interrupting, Dr Le, and I don't mean in any way to cut you off if there's something you wish to say to the committee, but I didn't ask you what it stemmed from. Did you learn from that letter that she was raising some concerns directed to your role as secretary as well?

Dr Le: Yes, I did.

Ms Cronk: Thank you. I don't mean in any way to be rude, sir. If there's something that you wish to point out to the committee, please do so, but if we could—I'll try to make sure my facts are correct and I invite you to tell me whenever they're not, as you have been. Okay?

Dr Le: That's fine.

Ms Cronk: As a result of becoming aware of a copy of that letter, was it at that point that you first understood that Ms Pretty had been dealing outside the board with some of these concerns?

Dr Le: That's correct.

Ms Cronk: And by that time, that is December of 1993, were you also aware that Ms Trinh Luu had been in correspondence and had been meeting with representatives of the minister's constituency office about a variety of concerns?

Dr Le: I did not know that.

Ms Cronk: When did you learn that, Dr Le?

Dr Le: Just in the last couple of days, when I became aware of the material that was made available to committee.

Ms Cronk: Skipping ahead to March of 1994, did you learn at that time that Ms Trinh Luu and Ms Sharron Pretty had written a joint letter to the minister outlining concerns?

Dr Le: I didn't know that until the last couple of days.

Ms Cronk: All right. So are you saying then, until this hearing and these proceedings commenced, really in the last week or so, you had no knowledge of Ms Trinh Luu having expressed concerns of that kind to the minister and the minister's constituency office?

Dr Le: I had no idea that Ms Luu would get together with Ms Pretty to go to the minister's riding office to discuss their joint concerns about the corporation.

Ms Cronk: I see. So you only learned that during the course of the evidence here this week?

Dr Le: Exactly.

Ms Cronk: I see. And at any time were you provided with correspondence, in the spring of 1994, from Trinh Luu to any of the Ministry of Housing offices in Ottawa or the minister's offices or the constituency offices outlining concerns on her part with respect to Van Lang?

Dr Le: I never received such a thing.

Ms Cronk: Do I understand you to be saying then, or is the effect of that, Dr Le, that after Ms Trinh Luu left the employ of the corporation of the Van Lang Centre, you had no idea of her involvement in any of this until this week?

Dr Le: I had no idea. I knew that she may have helped Ms Pretty from time to time to forward Ms Pretty's concerns, but I had no idea that she would write together a letter to the Minister of Housing and she would go to the riding office of the minister to express her own concerns, because my understanding or belief was that the concerns were just Ms Pretty's concern.

Ms Cronk: I see. I think I understand what you're saying. You didn't know that Ms Luu, on her own behalf and under her own name, had been dealing with ministry officials or the minister's office expressing concerns, but you did know that she had been speaking with, and from time to time advising, Ms Pretty?

Dr Le: That's correct.

Ms Cronk: I see. I understand now, sir. Thank you. And in that connection, was it your understanding then, until recently, that the concerns that were being expressed were those exclusively of Sharron Pretty and not Trinh Luu's?

Dr Le: From the material that we received from Ms Pretty, I became aware that the issues of concern that Ms Pretty put forward to the board directors seemed very much like the issues that Ms Trinh Luu brought to the board's attention before. I think that even the language seemed to be very much the same, to the extent that you can see that they are identical.

Ms Cronk: I see. And with respect, then, to the events that you were aware of at the Van Lang Centre, if we could just move forward in time, it has been indicated to the committee in the evidence of a number of other witnesses that by the point of January of 1994, if not earlier, but certainly by that point, there had developed, for whatever reason, a considerable amount of acrimony and antagonism at the board level. Would you agree with that?

Dr Le: Yes.

Ms Cronk: And that antagonism and acrimony concerned, can you confirm, both yourself and Ms Pretty and various views that each of you had about issues that were being raised and about each other?

Dr Le: I remember distinctively that the very first concern that Miss Pretty brought forward to the board was about the superintendent's performance and that, to me, is a very strange coincidence, because that is exactly the issue that Miss Trinh Luu brought to the board's attention during the summer of 1993.

Ms Cronk: That may be, Dr Le, but that wasn't really the question I asked you. May I ask it again? What I was suggesting to you was that when this acrimony and

antagonism developed, some of it concerned specifically yourself and Ms Pretty and your respective viewpoints on various issues that were arising. In other words, I'm saying that you and she had difficulties at the board level, certainly by that time, by January of 1994.

Dr Le: That's correct.

Ms Cronk: And some of the difficulty that had arisen also involved other board members.

Dr Le: That's correct.

Ms Cronk: And is it also correct to say that the board at that point was not functioning well?

Dr Le: Well, we managed to go on with the operation of the organization because we had to serve the interest of tenants first. There have been difficulties with regard to Miss Pretty's participation on the board but, as a whole, I think the board just went on to operate.

Ms Cronk: Is it not the case that the difficulties that had arisen were interfering with the conduct of business in an efficient and constructive way at the board level? There were problems.

Dr Le: Yes, I admitted there were problems and the effectiveness of the board could have been higher had there not been this kind of disagreement between Miss Pretty on one side and the rest of the board on the other hand.

Ms Cronk: To be fair, Dr Le, some of the issues involved Ms Pretty on the one side and the rest of the board on the other, but there were other issues that involved you on one side and Ms Pretty on the other. Isn't that in fact the case? Or did you not see it that way?

Dr Le: Um, it was true to some extent, because Miss Pretty keep on blaming me for keeping the superintendent in the corporation and I think that that's the main reason why she became so much in disagreement with me.

Ms Cronk: Whatever its cause, is it correct that some of the issues of concern seemed to be focused on you and Ms Pretty?

Dr Le: That's correct.

Ms Cronk: And is it also the case that on December 30th, 1993, Mr Brian Sutherland of the Ottawa offices of the Ministry of Housing attended a board meeting and addressed the board?

Dr Le: That's correct.

Ms Cronk: And that one of the things that came out of that meeting was an offer by Mr Sutherland for representatives of his offices to attend Van Lang Centre board meetings over the next several months?

Dr Le: That's correct.

Ms Cronk: And did you regard the presence of Mr Sutherland at that board meeting of any particular significance?

Dr Le: I welcomed the presence of Mr Brian Sutherland there, because I felt that if we had an official from the ministry at the board meeting, then the ministry would become more aware of the true issues that the corporation was facing at the time. So I welcomed Mr Sutherland's presence at the meeting.

Ms Cronk: Did you also see it as an indication or a

signal that Ms Pretty had been in correspondence with the Ministry of Housing and had been presenting her views to them?

Dr Le: That's correct.

Ms Cronk: And as a result of that attendance, the committee has heard that on January the 3rd, 1994, the board wrote to Ms Gigantes and requested a meeting with her?

Dr Le: That's correct.

Ms Cronk: And were you involved, as a director, in that decision at the time?

Dr Le: Yes.

1700

Ms Cronk: And from your perspective, what was the purpose of requesting that meeting?

Dr Le: The purpose of the meeting at the time was to let the minister know what the true issues of the corporation are at the time, because we were alarmed that if the ministry and the minister did not have an opportunity to have a face-to-face meeting with us and if the ministry and the minister just received representations from Ms Pretty, they would get a very biased view on the true situation.

Ms Cronk: And the committee has heard in other evidence that at the end of March 1994 the board received a reply from the Minister of Housing indicating that she was not then in a position to commit to meeting with you in the near future, or words to that effect?

Dr Le: That's correct.

Ms Cronk: Okay. Can you also confirm, Dr Le, from your own involvement that the Ministry of Housing undertook a compliance review with respect to the Van Lang Centre in the summer of 1993?

Dr Le: The ministry took the step to conduct this review at our request, at the request of the board of directors in the spring of 1993.

Ms Cronk: Well, just to deal with that suggestion, do you recall, in your capacity as secretary of the corporation, receiving a letter from Mr Bill Clement of the Ministry of Housing in the latter part of May 1993 in which he addressed certain of the concerns that had been raised by Ms Luu and suggested that one of the things he could offer was a compliance review?

Dr Le: That didn't happen at the same time as our request was put forward to the Ministry of Housing staff, because at the time when we were in the process of assessing the performance of the superintendent, it was suggested at the board that perhaps if we could get the view of the ministry, that would give us a more balanced view on the performance of the superintendent. So therefore I myself got in touch with ministry staff to request that.

Ms Cronk: To request a compliance review?

Dr Le: Yes. We did request that.

Ms Cronk: Oh, I see. And are you saying then that Mr Clement's letter was in response to a suggestion that had first come from you on behalf of the corporation?

Dr Le: Yes, something like that, because the two

events could have taken place at the same time. But I remember distinctively that at one of the board meetings we decided to call on the help of the ministry in the evaluation of the performance of the superintendent, and the ministry responded to us at the time that they were not in the position of reviewing the performance of personnel of the corporation; however, they could help us in reviewing the efficiency of the corporation with regard to the management, security, safety of the building, as well as with the financial aspect and the admission of tenants.

Ms Cronk: And that review, as I understand it, was undertaken in the summer of 1993?

Dr Le: The review was started in August and it lasted until November of 1993.

Ms Cronk: And the technical aspects of that review were not completed until December of 1993. Isn't that correct? Or do you remember?

Dr Le: That's not totally correct, because the technical aspects of the review was conducted in early August and I remember that I wait for the comments from the ministry on the technical aspects of the building in order to give me some more, er, views on the performance of the superintendent. And I remember one day I wait for a call from the ministry staff regarding their findings, and finally Mr Clement called me up and he said that things seemed to be okay with the ministry as far as the technical aspects were concerned. So I was very relieved that at least we got a confirmation from the ministry.

Ms Cronk: From your point of view, then, as I understand it, the compliance review was completed when?

Dr Le: The preliminary results of the technical part of the compliance review were made known to us in August, I think within a couple of days from the time when the ministry staff did their review, but—

Ms Cronk: I think the difficulty is I'm not being sufficiently precise in my question, Dr Le. Leaving aside when you may have been informed of preliminary results or even final results in an oral or verbal fashion, do you know when, from the ministry's perspective, they had completed all work necessary to sign off on that compliance review? I'm suggesting to you that was December of 1993. Do you know?

Dr Le: If you talk about the final report of the compliance review, I would say February 8th of 1994.

Ms Cronk: That's when it was presented to the board of directors of the Van Lang Centre. Correct?

Dr Le: That's correct.

Ms Cronk: And Mr Bill Clement and Mr Steve Shapiro were in attendance at the meeting?

Dr Le: That's correct.

Ms Cronk: And I'm simply asking you, do you know when from the Ministry of Housing's perspective—I'm using the phrase "sign-off," but what I mean by that is from their perspective all that was necessary had been done for a fully finalized compliance review. Do you know when that was from the ministry's perspective?

Dr Le: I wouldn't know from the ministry's perspec-

tive because I think it is an internal affair of the ministry, but in early 1994 we were told that the ministry had completed the compliance review and that the minister would like to send the staff to talk to the board about the results, and that meeting took place February 8, 1994.

Ms Cronk: Right. And as I understand it, the ministry was actually in a position to present the results of the compliance review to the board in December of 1993, but there was a reorganization of the board of directors, as we talked about a few moments ago, in progress or being considered and, in the result, the compliance report was not reviewed with the board until the February 8th meeting. Is that right?

Dr Le: That could have been that way.

Ms Cronk: Okay. Just to finish off on the compliance review, is it correct, as certain of the documents filed with the committee suggest, that the board of directors of the Van Lang Centre had as a board certain concerns with the results in the compliance review and ultimately wrote to the ministry to set some of those out?

Dr Le: Could you repeat the question again?

Ms Cronk: Yes. If you know, can you confirm that the board of directors had some concerns about the results set out in the compliance review and wrote in the spring of 1994 to express some of those concerns?

Dr Le: It was not much of a concern—

Ms Cronk: Excuse me, Dr Le, and again I'm sorry to interject. I'm not asking you to comment on whether it was minor or major. Were there some concerns from the board that were expressed to the ministry?

Dr Le: I wouldn't use the choice of words that you have just used.

Ms Cronk: I see.

Dr Le: I'm sorry if I have to say that. Normally, when corporations receive the compliance review from the ministry, we would have the responsibility to write back to the ministry to tell our side of the story. That's the normal course of action. It is not something that arose out of a major concern with the review at all.

Ms Cronk: I see. I wasn't intending to be taken as characterizing the seriousness of the concerns. I'm simply wishing to establish that the board did communicate in the spring of 1994 with the Ministry of Housing its response to the compliance review and in doing so expressed some concerns with it.

Dr Le: Yes, I would agree to that.

Ms Cronk: I don't want you to do so if you think it's an unfair characterization. Could I ask you to look at exhibit 2—perhaps Mr Hunt could help you—tab 40, please. Do you have this, Dr Le?

Dr Le: Yes.

Ms Cronk: This is a letter dated April 11, 1994. I don't think it's actually been directed to the attention of the committee before, but it's under the signature of Dr Tang. It may have been last evening. It's addressed to Brian Sutherland of the Ministry of Housing and it deals with the compliance review and sets out certain comments of the board with respect to it?

Dr Le: That's correct.

Ms Cronk: All right. And some of those express some concerns as to the accuracy and completeness of certain of the information that was available to the ministry.

Dr Le: That's correct.

1710

Ms Cronk: Thank you. And in that sense, the board did communicate with the ministry and provide its comments and response on the compliance review, including the expression of some concerns as set out in that letter.

Dr Le: That's right. Our response was a very positive way. We appreciate the compliance review, and we were ready to take whatever corrective action that they suggested.

Ms Cronk: And also, at about the same time, the spring of 1994, did you become aware that Ms Pretty had been in contact with the Ministry of Housing in Ottawa to express a series of concerns again with respect to the Van Lang Centre, including concerns with respect to your own previous role as secretary and related matters? Leaving aside what the details of that were, did you become aware of that in the spring?

Dr Le: I was not aware of that at all.

Ms Cronk: I'm talking now about Sharron Pretty?

Dr Le: I'm not aware of the fact that Miss Pretty wrote to the ministry raising concern about the compliance review or the result of.

Ms Cronk: I'm sorry. I didn't put the question clearly enough, Dr Lee. I'll try again. In the spring of 1994, specifically during the month of March, there's information before the committee suggesting that Ms Pretty wrote to Brian Sutherland at the Ministry of Housing in two letters, dated March 1 and March 20, expressing concerns with respect to the Van Lang Centre, some of which were concerns about your prior role as secretary and a variety of issues that she had concerns about. Did you become aware of that correspondence and those concerns?

Dr Le: Could you help me out on this? Because I can't recall having seen such a letter.

Ms Cronk: Absolutely. Could you go to tab 42, please, of exhibit 2. That should be a letter dated April 15, 1994.

Mr Hunt: Yes, we have it.

Ms Cronk: Thank you very much. Dr Le, the document at tab 42 is a letter dated April 15, 1994. It appears to be on your personal letterhead. Is that correct?

Dr Le: That's correct.

Ms Cronk: It's addressed to Ms Sharron Pretty and it appears to have been signed by you. Is that right?

Dr Le: That's right.

Ms Cronk: And does it indicate in the first paragraph that you received from Dr Tang a copy of a letter dated March 20, 1994, which she had addressed to the board of directors of the Van Lang Centre, in which she made various allegations against you in your capacity as secretary of the board of directors of the centre?

Dr Le: That's correct.

Ms Cronk: All right. And just dealing with that correspondence by her for the moment, in this letter do you respond to those allegations as contained in that letter of March 20?

Dr Le: I did.

Ms Cronk: And would it be fair of me to suggest that you were providing your response and denying the allegations of improper conduct, for lack of a better expression; you were setting out your version of the facts.

Dr Le: That's correct.

Ms Cronk: All right. Now, at about the same time as her letter to the board of directors dated March 20, Ms Pretty wrote to the Ministry of Housing in a letter dated March 20, and she had earlier written in a letter dated March 1—in this book, if you flip back to tab 33, you'll see a copy of the letter of March 1. It's very lengthy, Dr Le, 20 pages in length, and a copy was sent to Mrs Gigantes, the Minister of Housing—at page 20—and a copy to two other individuals connected with the minister's offices in Toronto. That's the March 1 letter. Then if you turn to tab 36, there is a second letter from Ms Pretty addressed to Mr Sutherland, dated March 20, and again copied to the Minister of Housing and to two individuals, a Mr Marc Collins and a Mr Newton Vanriel, in the minister's offices in Toronto. That's the March 20 letter. Do you remember seeing or being informed of these letters?

Dr Le: I have never seen these two letters, never informed of the existence of these letters.

Ms Cronk: Until just now?

Dr Le: Until just now.

Ms Cronk: I see. So that as I understand it, Ms Pretty did not provide you with a copy of these letters nor inform you of their contents.

Dr Le: She did not.

Ms Cronk: But you did receive, not from Ms Pretty but from Dr Tang, a copy of the letter that she wrote to the board of directors on March 20.

Dr Le: Yes.

Ms Cronk: And in that letter, she did set out, as we discussed a moment ago, a series of concerns and allegations, and you responded to those in writing in your letter of April 15.

Dr Le: That's correct.

Ms Cronk: Right. And I neglected to ask you this before, but in fairness to you, I should do so. Earlier on, back in 1993, in June, when Ms Trinh Luu had written expressing a number of concerns to the board of directors, did you respond at that time in writing to her concerns?

Dr Le: I did not respond to her in writing at that time, because the situation was so acrimonious, so tense, in the office that I just did not have the time to respond to a very, very lengthy letter from Ms Trinh Luu.

Ms Cronk: And when you say you didn't respond, do you mean that you didn't respond in detail?

Dr Le: I didn't respond in writing, but I may have discussed the contents with her.

Ms Cronk: I stand to be corrected, Dr Le, but I thought you had written a letter to Ms Luu denying the allegations but not providing any details at that time of the nature of your response. Do you remember doing that?

Dr Le: I remember sending a letter, just one line or so, to Ms Luu, denying all the allegations, because I just didn't have the time to deal with all the points that she raised. I was so busy with the operation of the centre at that time.

Ms Cronk: If I could ask you to turn to tab 10 of exhibit 2, is that the memo you sent?

Dr Le: That's correct.

Ms Cronk: My only point in reviewing this with you, Dr Le—as I understand it, you responded to some of the early concerns expressed by Trinh Luu in this memorandum by denying them. That's what your letter says.

Dr Le: She raised similar concerns to me and toward the other members of the board before, and I tried to talk to her, to explain to her my point of view, but that didn't help at all, so she continued to write allegations about me, and I was so exasperated that I just couldn't go on responding to every piece of correspondence that she sent me. I wouldn't have the time to do that.

Ms Cronk: I understand. I wasn't in any way being critical; I just wanted to confirm that on this occasion you did respond in writing and you recorded formally that you denied her allegations.

Dr Le: At the advice of my legal counsel.

Ms Cronk: Fine. And similarly, in fairness to you—the only reason I'm bringing this out is that the committee has heard from Ms Pretty and Ms Luu about a variety of letters that they sent and I want the committee to know about the ones that you sent—you responded in mid-April of 1994 to the allegations, of which you were then aware, by Ms Pretty to the board of directors concerning your conduct.

Dr Le: Ms Pretty?

Ms Cronk: Yes. In April, the concerns had been expressed by Ms Pretty in a March 20 letter to the board of directors.

Dr Le: Oh, 1994. I'm sorry.

Ms Cronk: And you responded at that time in the April 15 letter that we saw.

Dr Le: That's correct.

Ms Cronk: Did there come a time in June or prior thereto of 1994 when you became aware that Ms Pretty had initiated charges under the Provincial Offences Act with respect not only to yourself but a number of other then current or former directors of the Van Lang Centre?

Dr Le: I became aware of that following the appearance of the article in the Ottawa Sun.

Ms Cronk: When you refer to the article, the committee has heard that there were two articles by Mr James Wallace, one in the Ottawa Sun and one in the Toronto Sun, both on June 1. Is it to those articles that you are referring?

Dr Le: I became aware of the Ottawa Sun article.

Ms Cronk: All right. And was that the first time that you had any information available to you of charges or legal action initiated by Ms Pretty in respect of you or any of the other directors?

Dr Le: That's correct.

Ms Cronk: Had you heard anything from tenants at the centre about the suggestion or rumour that Ms Pretty had commenced proceedings?

Dr Le: I didn't hear anything from the tenants, but I heard from Dr Hieu Truong the previous day, just before the appearance of the article.

1720

Ms Cronk: On May 31?

Dr Le: I don't recall exactly when, but it was shortly before the appearance of the article, that charges may have been laid against us.

Ms Cronk: When you heard that from Dr Truong and saw the article by Mr Wallace, what was your view of that? I don't mean of the merits of the charges, but did you accept at that point, upon reading of the article, that charges had been laid or proceedings initiated by Ms Pretty?

Dr Le: Yes. I presumed that the information given in the Ottawa Sun regarding the charges is correct, because otherwise, they wouldn't have invent it in the first place.

Ms Cronk: At what point were you served with a summons in respect of those proceedings?

Dr Le: I believe between the 10th and the 14th of June.

Ms Cronk: Before you attended the meeting on June 17th with the Minister of Housing?

Dr Le: That's correct.

Ms Cronk: The committee has heard that by letter dated June 9 Mr Bill Clement of the Ministry of Housing wrote to Dr Tang, as president of the corporation, and indicated that the minister would be available for a meeting on June 17 and requesting that all directors be informed of that. Do you recall learning of that shortly after the date of that letter, being informed of the meeting?

Dr Le: I do.

Ms Cronk: What was your understanding as to the purpose of the meeting, or did you know?

Dr Le: I was very pleased with the response from the minister to the effect that she would meet with us, because we had been waiting for this chance for the past few months, and finally we had our chance to meet the minister to present to her our side of the story.

Ms Cronk: Is that what you thought the purpose of the meeting was?

Dr Le: Yes.

Ms Cronk: You'd earlier received a letter that you told me you knew of in which the minister said she wasn't in a position to meet. That was the end of March?

Dr Le: Something like that.

Ms Cronk: Yes. And now there's a letter coming in from Mr Clement saying June 17 the minister is available for a meeting with you. Did that come out of the blue,

was that unexpected for you?

Dr Le: I thought at the time only that finally the minister was able to make time available to us.

Ms Cronk: I see. Did you, in your mind, make any connection between the fact that the Wallace articles had appeared on June 1 and the setting up of the meeting with the minister?

Dr Le: That didn't suddenly come to my mind, because our concern up to that time is that we really like to have a chance with the minister to present to her our view. So that came to my mind, that finally we got our chance.

Ms Cronk: Were you concerned to learn that Sharron Pretty had commenced proceedings?

Dr Le: I was not so much concerned as I was disappointed. I was disappointed that Sharron would go to that extent, because I remained convinced that we have done everything we could to help her discharge her duties as a director. I was—

Ms Cronk: Sorry. You'd done everything you could to what?

Dr Le: I said that I felt, and I still do, that we have done everything we could to assist her to discharge her duties as a director, to carry out her duties as a director, so I was shocked that she would go to that extent, to lay charge against us.

Ms Cronk: Dr Le, did you see this as a matter of an issue relating to Ms Pretty's ability to discharge her duties as a director, or did you recognize her concerns as being larger than that in raising some pretty fundamental issues concerning the Van Lang Centre?

Dr Le: I was not aware of her concerns about the major issues because it's still vivid in my mind that during the first month or so following her joining the board, she raised the question of performance of superintendent. The reason she gave us at the time was more or less identical to reason that Ms Trinh Luu gave us before.

Ms Cronk: I'm getting the impression from what you're saying, Dr Le, and I'd ask you to comment on it to tell me what you do mean, that you regarded the difficulties with Ms Pretty as having to do with her carrying out her role as director, as distinct from her raising issues of concern with respect to the operation of the Van Lang Centre. Am I understanding you correctly?

Dr Le: I think that she keep on shifting her position. One week she would raise the question about superintendent, and next week she would raise the question about another thing, so we didn't really know where she stood.

Ms Cronk: Dr Le, can we agree that in Sharron Pretty's letter of March 20 to the board of directors of the Van Lang Centre, again without dealing in any way with the accuracy or the inaccuracy of the allegations, what she was raising included some matters of basic concern relating to the Van Lang Centre and the way it was being run?

Dr Le: That's correct.

Ms Cronk: All right. And they weren't directed or focused or concerned with the way she was functioning

as a director, were they? Wasn't she raising some pretty basic issues for discussion?

Dr Le: Yes, she did.

Ms Cronk: Then when you came to June of 1994 and learned of the suggestion of a meeting with the minister for June 17, did you yourself pick up the phone and speak with Bill Clement of the Ministry of Housing or anyone else connected with the ministry concerning the purpose of the meeting?

Dr Le: I did not.

Ms Cronk: All right. Did you have any discussions with any of the other directors as to whether they had, or whether they had any more information available as to what was to be discussed at the meeting?

Dr Le: I don't recall I spoke to anyone about that, because my assumption was all the time that finally we had the chance to meet the minister to present our view.

Ms Cronk: Our discussion on this started when I asked you your reaction, in effect, to learning of the initiation of charges of Sharron Pretty, and you had indicated that you learned of that in Mr Wallace's article. Once you did know that charges had been initiated, did you regard that as an acceleration of difficulties between the board and Ms Pretty?

Dr Le: I didn't think of that that way. I was shocked, was extremely disappointed, but other than that, I didn't give any further thought because we haven't received at the time any summons.

Ms Cronk: And you indicated that you thought you were served with a summons around June 14, certainly before you went to the meeting on June 17?

Dr Le: That's correct.

Ms Cronk: And by the time you were served with the summons, you certainly knew this was real?

Dr Le: That's right.

Ms Cronk: All right. Again I'm not asking you for any comment on the merits of the charges at all. I'm saying, with respect to the Van Lang board and its relationship with Sharron Pretty, did you regard it at that point as an acceleration of the difficulties?

Dr Le: I didn't see it that way. I think that somehow Sharron decide to go ahead with the charge, and here is our chance to meet the minister. I didn't make the connection between the two.

Ms Cronk: My question wasn't directed to that, for the moment. I did ask you that earlier. But what I'm asking you now is, did you think, in terms of Sharron Pretty's role on the board and the board's relationship with her, that once you knew that these charges were for real—you thought they were, you accepted they were when you read Mr Wallace's article, because you told us that, but you absolutely knew it when you got served with the summons. Right?

Dr Le: That's correct.

Ms Cronk: All right. And what I'm asking you is, did you in your mind at that time think the situation had gotten worse?

Dr Le: Yes.

Ms Cronk: All right. And one witness has suggested to the committee, for example, that by the time of the June 17 meeting, it was, to his way of thinking, a minor crisis. Would you agree with that characterization?

Dr Le: Which one is the minor crisis?

Ms Cronk: The situation, the entire circumstances by that time. I take from that that it was a very serious situation.

Dr Le: I think it was serious, because if somebody had take the effort and the time to lay the charge, it must be serious.

Ms Cronk: That was your view, I take it, at the time?

Dr Le: It was my view at the time.

Ms Cronk: It was.

Dr Le: Yes.

Ms Cronk: And is it not the case that the board regarded the matter as being of sufficient significance and were sufficiently concerned about the allegations attributed to Ms Pretty in the Wallace articles that on June 13 a notice went out with respect to a—I'm sorry; I should get this right. The board was sufficiently concerned about it when they read the article and considered the allegations being made by Sharron Pretty that they issued a notice calling for a special meeting of the board on June 19th for the sole purpose of removing Ms Pretty as a director. Is that right?

Dr Le: To me, the reason for the decision to call that special meeting was that finally we were convinced that there's no way that we could persuade Sharron Pretty to work together with us.

Ms Cronk: That you could what? I'm sorry, I just didn't hear you, sir. That you could—

Dr Le: The reason why—this is in my belief—the board finally decided to call this meeting to deal with Sharron Pretty's presence on the board is because we were convinced, after the appearance of the article, that Sharron Pretty has gone too far. We had been trying to make all kind of accommodations to her, but yet to no—without results. So we decided that we had to take a positive step to rectify the situation.

1730

Ms Cronk: And it was more or less the straw that, to use the colloquialism, broke the camel's back.

Dr Le: Exactly.

Ms Cronk: And it was the triggering event for that resolution?

Dr Le: Exactly.

Ms Cronk: And that meeting was scheduled for June the 19th, two days after the proposed date of the meeting with the minister?

Dr Le: Exactly. It was not so much of the charge itself, but the allegation that she made in the article.

Ms Cronk: I understand. I think my question to you had been that the board was sufficiently concerned by the—perhaps I'll leave it there. In any event, the triggering event was the articles, what was contained in them and that meeting was set for June 19th.

Dr Le: That's correct.

Ms Cronk: And what you're saying to me is the allegations set out in the article, in addition to the charges, were the problem.

Dr Le: I would consider the allegations more serious than the charges themselves.

Ms Cronk: That was your—

Dr Le: Yes.

Ms Cronk: But you were certainly—you were not unconcerned about the charges.

Dr Le: Oh, certainly I was concerned about the charges.

Ms Cronk: And did you participate in the preparation of briefing notes for presentation to the minister at the June 17th meeting?

Dr Le: I did.

Ms Cronk: And in fact were you the principal author of them?

Dr Le: I would say that I prepared the first draft, following the discussion among the board members except Miss Pretty, so I had some ideas about what we should put in the briefing notes, when I had to prepare the first draft to present it to the rest of the board for consideration.

Ms Cronk: I take it Ms Pretty, as a director, wasn't told that the other directors were preparing these briefing notes. Is that right?

Dr Le: That would have been the job of the secretary of the board, but we assumed all along that it is useless, pointless, to ask Sharron to participate in any of our activities, so we didn't expect that Miss Pretty would sit down with us to prepare the briefing notes, because she had been away from the board for quite some time, from early on, starting from the new year.

Ms Cronk: She'd attended meetings in January and February, had she not?

Dr Le: She didn't attend the meeting on January 24th. She may have been at the meeting of February 8, but other than that, I think that right up to the end of the term, she rarely showed up at our board's meetings.

Ms Cronk: There were a number of special as well as regular board meetings held throughout the spring, were there not?

Dr Le: That's correct.

Ms Cronk: And is it your memory that Ms Pretty attended none of those meetings in March, April—March and May?

Dr Le: She came in for just 10 minutes at one meeting. I don't recall which one. There was one meeting where I was planning to respond to her concerns that she directed to me, but I was disappointed that she stayed for just 10 minutes and she left, so I didn't have a chance to discuss this issue with her.

Ms Cronk: For example, Dr Le, again, to be as accurate as we can in the facts, it's my understanding that Ms Pretty was at the February eighth board meeting, that she attended part of the March 29th meeting, that she was in correspondence with Dr Tang about her inability to attend, or her decision not to attend, a meeting in May

and that she was also in correspondence, recorded in the minutes, about a meeting of the board called on June the third, so she hadn't just gone away and wasn't communicating.

Dr Le: She was in communication with us, but somehow she purposely avoid meeting with us.

Ms Cronk: Well, forgive me, sir, are you in a position really to be saying that to the committee, that she purposely avoided doing that?

Dr Le: I'm sorry, I take it back. I was not in a position to say that. But what I'm trying to say was that she was away from a lot of meetings with the board.

Ms Cronk: Okay. And for that reason, are you saying that she was not told of the board's intention to prepare briefing notes for presentation to the minister at the June 17th meeting?

Dr Le: I wouldn't even be in the position to say that, because I think that if there's a notice of meeting that should be sent out, that would be the job of the secretary of the board.

Ms Cronk: Do you know whether she was told?

Dr Le: I didn't know anything about that.

Ms Cronk: Could I ask you—sorry, I had it, and then I closed the book. I think it's volume 3 of exhibit 1, at tab 80, I believe. Were these notes provided to the minister at the meeting on June 17th?

Dr Le: Yes.

Ms Cronk: At what part of the meeting do you recall that they were provided?

Dr Le: I believe towards the end of the meeting.

Ms Cronk: And was there discussion throughout the meeting of some or more of the matters outlined in the briefing notes?

Dr Le: Yes.

Ms Cronk: And what was the purpose of the briefing notes, as you saw it?

Dr Le: The briefing note is just to summarize for the minister's information the background on the issues and also our view of the issues.

Ms Cronk: Thank you. Could I have a moment, sir?

Sorry, Dr Le, I was inquiring whether there was an inconvenience to the committee if I continued past this time in an effort to complete the questions that I had for you. Unless you feel that you need a break—

Dr Le: No.

Ms Cronk: —I propose that we continue and try to complete this?

Dr Le: Yes, please do.

Ms Cronk: All right. It is the information before the committee that there were nine people at the meeting on June 17th and that they included four directors in addition to yourself, among them Sharron Pretty, namely, Dr Tang, Dr Truong, Mr My Nguyen and Ms Pretty. Am I right in that?

Dr Le: That's correct.

Ms Cronk: Is that your recollection?

Dr Le: Yes.

Ms Cronk: And did you know the balance of the people at the meeting?

Dr Le: Yes. No, I mean I didn't know them personally, but I know that there were other people at the meeting.

Ms Cronk: All right. Who did you know of the remainder at the meeting?

Dr Le: I had met with Brian Sutherland before, and of course I have met the minister before, but the other two staff members, I didn't meet them before.

Ms Cronk: And did you subsequently learn that they were Ms Audrey Moey and Ms Beverlee Bell, or do you know?

Dr Le: I learned afterward. As a matter of fact, at the end of the meeting, I presented myself to them and—

Ms Cronk: Introduced yourself?

Dr Le: Yes, that's right.

Ms Cronk: And were they all there from the commencement of the meeting to its conclusion, or did anybody leave during the course of the meeting?

Dr Le: They were all there for the whole duration of the meeting.

Ms Cronk: When do you recall the meeting starting?

Dr Le: Roughly about 11:30, 11:35.

Ms Cronk: And how long did it last, as you remember it?

Dr Le: I think it lasted until 1 o'clock or so.

Ms Cronk: So about an hour and a half?

Dr Le: Something like that.

Ms Cronk: And the committee has heard that it was held at the Rideau Centre at 10 Rideau Street in Ottawa. Is that right?

Dr Le: That's correct.

Ms Cronk: And how do you recall the meeting starting?

Dr Le: The meeting started with Dr Vinh Tang saying something to welcome the minister and to thank the minister for her time to sit down with us, and then he start to go over some of the points of the briefing notes.

Ms Cronk: And did the minister make any introductory comments?

Dr Le: Yes, I think so. I think the minister did also make some introductory comments.

Ms Cronk: In the course of those introductory comments was there any reference to the proposed action by the board to remove Sharron Pretty as a director?

Dr Le: Yes.

Ms Cronk: What do you recall the minister saying in that regard?

Dr Le: The minister said something to the effect that she was aware of the issues, and then she asked the participants whether the removal of Ms Pretty is the only solution to the problem.

1740

Ms Cronk: All right. Did you make notes during the course of that meeting, Dr Can Le?

Dr Le: I did.

Ms Cronk: And did you notice anyone else doing so?

Dr Le: I thought Ms Pretty was making notes and Ms Audrey Moey also made some notes.

Ms Cronk: Anyone else?

Dr Le: I didn't see anyone else making notes at the time.

Ms Cronk: Could you turn to tab 81 of volume 3 of exhibit 1, please. Sorry, wrong tab—tab 84. Do you have that?

Dr Le: Yes.

Ms Cronk: Are those notes which you made during the course of the June 17th meeting?

Dr Le: Yes.

Ms Cronk: Are they all of the notes which you made at that meeting?

Dr Le: Yes.

Ms Cronk: Is your recollection, Dr Le, of what occurred at this meeting dependent on these notes or do you have an independent recollection of matters discussed at the meeting as well?

Dr Le: This is all I have.

Ms Cronk: And in terms of your memory of it, what I'm asking you is, are you relying solely on these notes or do you have in your mind an independent recollection of what was discussed at that meeting?

Dr Le: I rely mostly on these notes.

Ms Cronk: Mostly on these notes. All right. According to these notes, Dr Le—well, first, you've dated them, you've entitled them, "Meeting with Evelyn Gigantes," and then you've recorded the persons in attendance either by full name or by initials. Correct?

Dr Le: Mm-hmm.

Ms Cronk: Am I right?

Dr Le: That's right.

Ms Cronk: And then the first entry reads, "Aware of the issues." Who's speaking then?

Dr Le: The minister was aware of the issues. She said that she was aware of the issues.

Ms Cronk: All right. And did she explain what she meant by that?

Dr Le: Well, she said something to the effect that she's aware of the issue related to the Van Lang Centre.

Ms Cronk: Did she indicate whether she was aware of any action taken by Sharron Pretty or the charges that had recently been referred to in the press?

Dr Le: I don't recall whether she made that specific, but I vividly recall that she mentioned about the removal of Sharron Pretty from the board of directors.

Ms Cronk: You're referring now to the second entry, which reads, "Is the removal of Sharron Pretty the only solution to all the problems"?

Dr Le: That's right.

Ms Cronk: All right. So you don't have a memory of her saying anything about any action by Sharron Pretty in whatever context in her introductory remarks?

Dr Le: I don't recall she mentioned any specific things about the issue beside the ones I put down there.

Ms Cronk: Okay. So you just remember what's here in terms of the introductory remarks?

Dr Le: That's right.

Ms Cronk: All right. And when you were writing these notes, Dr Le, were you attempting to write them down in the sequence in which they were mentioned or did you, like some of us do, sort of write them all over the page as it occurred to you?

Dr Le: I wrote them out as time went on, went by.

Ms Cronk: In the sequence, in the order in which they were mentioned?

Dr Le: Yes, exactly.

Ms Cronk: And would it be fair of me to suggest, having regard to their length, that first they're more or less in point form?

Dr Le: That's right.

Ms Cronk: And that clearly there was a great deal of discussion at the meeting, as it lasted, you've told us, an hour and a half, that is not recorded in these notes.

Dr Le: I think that we spent a lot of time to discuss about project management, about the compliance report, about Sharron Pretty's concerns.

Ms Cronk: Yes, and what I'm suggesting to you is, given the brevity of the notes, and I say that without any criticism—I'm just observing that they're not that long—that clearly, if it was a meeting that lasted an hour and a half, there's a great deal of discussion that went on at that meeting that is not recorded in your notes. Would you agree?

Dr Le: I was selective at the time in the sense that I just put down the key points of discussion. I didn't put down everything, otherwise I would have used up to five, 10 pages.

Ms Cronk: Right. So the answer is yes, there was a great deal of discussion at the meeting that isn't recorded in the notes?

Dr Le: That's correct.

Ms Cronk: Thank you. And if I could ask you to look at the next entry, there's a dash and it says, "Survey of tenants—no one complains except SP." Do you now recall who was speaking then?

Dr Le: That's my words. When we talk about the issues related to the centre, I mentioned about the survey of tenants just for the information of the minister.

Ms Cronk: Do you recall whether it was your words or is it possible that it was Dr Tang?

Dr Le: It looks very much like my words.

Ms Cronk: All right. Have you, for the purposes of giving your evidence before the committee, been provided with and reviewed a copy of notes made at the meeting by Audrey Moey?

Dr Le: No.

Ms Cronk: You have not seen those?

Dr Le: I note that such notes, I mean, exist, but I didn't take a look to see what was there.

Ms Cronk: Did you look at Sharron Pretty's—

Dr Le: No.

Ms Cronk: —when they were provided to your counsel's offices? You didn't look at those?

Dr Le: No.

Ms Cronk: All right. Could I ask you now, if you would, please, to go to tab 81 and could you leave one page at tab 84; just leave your hand at 84, your own notes, and go to tab 81, if you would please.

The document at tab 81, Dr Le, I anticipate the committee is going to hear are the notes made by Audrey Moey at the meeting. I'm going to suggest to you, as we look at your own notes, that there are a number of consistencies between your notes and Ms Moey's, but that there's also a great deal of information contained in Ms Moey's that's not in your own.

Dr Le: It's okay.

Ms Cronk: Dealing with the point of the "survey of tenants—no one complains except" Sharron Pretty, that's found in your notes at the fourth line.

Dr Le: Yes.

Ms Cronk: Could I ask you to look in Audrey Moey's notes at about halfway down page—well, in my copy there's a circled 4 at the bottom. That's a photocopying glitch, but there's a 4 at the bottom. I'm sorry, Dr Le. If you go to the second page of these notes, flip physically to the second page, you'll see at the bottom, in a circle, the number 4. Do you see that?

Dr Le: Circle? Page 2?

Mr Murphy: The top of ours, crossed out; 2 out in.

Ms Cronk: All right. May I just approach you, Dr Le, and see what your copy looks like. I may be working with my old set. Sorry, I have an older version of it. This may be a little bit more time-consuming. Sorry, it's at your page 1, Dr Le, of Ms Moey's notes.

What I'm suggesting to you is that your notes indicate, in the fourth line, someone referring to a survey of tenants and the entry "no one complains except S.P." You said that you thought that was a comment that you made.

Dr Le: That's right.

Ms Cronk: I'd ask you to look at the middle of page 1 of Audrey Moey's notes and you'll see, after the first introductory paragraph it says, "Vinh Tang—President." Do you see that?

Dr Le: Yes.

Ms Cronk: If you look down to the third paragraph, it says, "Survey of services—tenants—no complaints except from S. Pretty." Do you see that?

Dr Le: That's right.

Ms Cronk: According to Ms Moey's notes, that appears to be a comment made by Dr Tang as opposed to yourself.

Dr Le: It could have been.

Ms Cronk: Do you remember, one way or the other?

Dr Le: Because Dr Tang was making introductory notes at that time, so I think it could have been his words.

Ms Cronk: You'd have no reason to dispute that?

Dr Le: No.

Ms Cronk: You'd agree with me that that entry in her notes and your own is substantially similar?

Dr Le: Yes.

Ms Cronk: Looking at your own notes, in the next entry it refers to, "Project Management," and then there's a colon and it says, "not adequate," and immediately below that, "Supt: has a role larger than usual." Am I reading that correctly?

Dr Le: That's right.

Ms Cronk: Do you recall who was speaking at that time, whose remarks those were?

Dr Le: I think it could have been the minister's words.

Ms Cronk: In that regard, if you look to the second-last paragraph at page 1 of Ms Moey's notes, there's the initials "Ev." Would you accept it as a reasonable suggestion if I suggested that referred to Evelyn Gigantes?

Dr Le: Yes.

Ms Cronk: Then the entry reads, "Project management—turned over four times in 18 months—unusual that superintendent has larger role than 'project manager.'" Do you see that?

Dr Le: Yes.

Ms Cronk: That appears to be substantially—at least, the subject matters are the same as what you've recorded in your notes.

Dr Le: Yes.

Ms Cronk: And your recollection that that was the minister speaking is consistent with the entry in Ms Moey's notes attributing those remarks to the minister.

Dr Le: Right.

Ms Cronk: Right. Then the next entry in your notes is an asterisk and it says, "entered"—I think that to be "apartment"—is that correct?

Dr Le: Yes.

Ms Cronk: —"without authorization." Who was speaking then?

Dr Le: This was made by Sharron.

Ms Cronk: All right. That's a comment you think that was made by Sharron Pretty?

Dr Le: Yes.

1750

Ms Cronk: Again I'm going to suggest to you that that's an area in which there's consistency between your notes and Ms Moey's, if you'll give me a moment.

Mr Callahan: Page 3.

Ms Cronk: Thanks. If you take a look at the entry beginning with "S. Pretty" on page 3 of Ms Moey's notes, there's an arrow; it says: "Super wasn't supervised, therefore took on 'power' eg sexual harassment/Sun article—never"—I think it's "reprimand"; then "—Entered her apartment without her permission." Again, there's some degree of consistency between your notes and Ms Moey's?

Dr Le: Yes.

Ms Cronk: All right. But what this comparison also illustrates, does it not, Dr Le, is according to the entries in Ms Moey's notes, there's a considerable amount of discussion that took place between the time of Ms Gigantes's remark recorded in your notes concerning "project management" and "superintendent," and then Ms Pretty's comment?

Dr Le: That's correct.

Ms Cronk: All right. So as you indicated yourself to the committee, all you were doing was making notes of various topics as they were discussed?

Dr Le: Yes.

Ms Cronk: But certainly not all of them?

Dr Le: That's right.

Ms Cronk: And the next comment in your notes is "—Board refused to listen." Do you see that?

Dr Le: Yes.

Ms Cronk: And the next entry is, "Access, tenants' participation—no free, democratic." Can you tell me, looking at the notes, who you think was speaking there?

Dr Le: I think it's still Ms Pretty.

Ms Cronk: In respect of all three of those remarks?

Dr Le: Yes.

Ms Cronk: If you look at page 3 of Ms Moey's notes, further down the page in another comment attributed to Ms Pretty, does it read: "not democratic, people kept in the dark. Tenants' association has not met since last fall"?

Dr Le: Correct.

Ms Cronk: So again there's some degree of consistency between your entry and Ms Moey's?

Dr Le: Yes.

Ms Cronk: Then the next entry you have is, as I indicated, "Access, tenants' participation—no free, democratic"—I'm sorry, that's one we just looked at. Yours refers specifically to the topics of access and tenant participation?

Dr Le: Yes.

Ms Cronk: And hers in that entry do not?

Dr Le: Yes.

Ms Cronk: And then your final entry on that first page is, "Employees reporting directly to the board: creates problems." Who's speaking there, do you know?

Dr Le: I believe it was the minister who was talking then.

Ms Cronk: Is it also possible that it may have been Mr Brian Sutherland?

Dr Le: I couldn't recall exactly who was speaking at the time.

Ms Cronk: And if you look further at Ms Moey's notes at page 3, she indicates that Ms Gigantes asked Ms Pretty to "be more specific" about her "concerns regarding tenant participation and access." Do you see that, middle of the page?

Dr Le: Page 3?

Ms Cronk: Yes, of Ms Moey's notes. Halfway down the page it says, "Ev"—

Dr Le: Yes, I found it.

Ms Cronk: —and it says, "Be more specific."

Dr Le: That's right.

Ms Cronk: Immediately above that there's a comment attributed to Sharron Pretty, "Big concerns re: tenant participation and access." Do you see that?

Dr Le: That's right, yes.

Ms Cronk: Then continuing on in Ms Moey's notes, over to page 4, the comment is attributed to her, "There's a breakdown in board members' ability to work together." Do you see that?

Dr Le: Yes.

Ms Cronk: Now, there's nothing in your notes about either of those comments, but do you remember the minister asking Sharron Pretty to be more specific about the concerns that Ms Pretty had said were "big concerns...tenant participation and access"? Do you remember he asking for details of that?

Dr Le: Yes.

Ms Cronk: Do you remember it or are you just relying on Ms Moey's notes?

Dr Le: I remember now.

Ms Cronk: At page 4, the next comment attributed to the minister is the suggestion that there'd been "a breakdown in board members' ability to work together." Do you recall the minister saying that?

Dr Le: No. It escaped my attention at the time.

Ms Cronk: All right. Again there's nothing in your notes about that?

Dr Le: No.

Ms Cronk: Continuing down on page 4, the next comment attributed to the minister in Ms Moey's notes, beside the initials "Ev," it looks like it's, "To the board,"—there's an arrow—"Can these things be resolved without legal proceedings and removal of directors?" Do you see that?

Dr Le: Yes.

Ms Cronk: Do you recall the minister saying that?

Dr Le: I can't say, one way or the other.

Ms Cronk: I take it you don't recall it?

Dr Le: I don't recall it.

Ms Cronk: But you're not saying it didn't happen. You just don't remember it?

Dr Le: I just don't remember it.

Ms Cronk: And the next line is, "S. Pretty—doesn't think she can work with this board." Do you recall Ms Pretty saying that?

Dr Le: It's possible.

Ms Cronk: Do you remember?

Dr Le: I don't remember it exactly, but I think it is possible. It's quite possible.

Ms Cronk: You have no reason to disagree with Ms Moey's notes, then, I take it?

Dr Le: No.

Ms Cronk: But nor can you give any indication as to whether it in fact occurred, because you don't remember?

Dr Le: I could not.

Ms Cronk: Is that right?

Dr Le: That's right.

Ms Cronk: Looking to the next comment attributed to the minister—this is in Ms Moey's notes, still on page 4 of your copy. Do you have that?

Dr Le: Yes.

Ms Cronk: "—Can board meet to discuss the two major concerns and focus on resolving these questions in accordance with ministry guidelines?" Do you recall the minister saying that?

Dr Le: I recall the minister made the point to the effect that the board should get together to discuss two core issues of concern.

Ms Cronk: Just dealing with the comment immediately above first, the comment of the minister as written down by Ms Moey, "Can these things be resolved without legal proceedings and removal of directors," you've indicated you don't recall that being said but you're not saying that it wasn't said, you just don't remember it. Do I have that right?

Dr Le: I just don't remember it.

Ms Cronk: All right. Do you recall any discussion at the meeting, by anyone, concerning "legal proceedings," "a court case" or "charges" at any point during the course of the meeting?

Dr Le: I don't recall exactly in those terms, but I do recall that the minister mentioned about two core issues of concern, and I wrote down in my note, "Access to the tenants and tenants' participation." That's vivid in my mind, but all the other things I don't have a vivid memory at this time.

Ms Cronk: I accept that and I understand what you're telling me, Dr Le. I'm going to ask you some quite specific questions and ask you if you remember certain issues being discussed. The question I just put to you was, do you remember any discussion at the meeting by anyone concerning "legal proceedings," "charges" or "a court case"?

Dr Le: I remember that Sharron Pretty mentioned something along those lines, but other than that, my mind did not recall those things exactly, you know, who said what.

Ms Cronk: Would you agree with Ms Moey's note at page 4 suggests that there was reference to whether "these things" could be resolved without legal proceedings and the removal of directors, and that if that note is accurate, there was reference to legal proceedings? Would you accept that from me: If this note is accurate, there was reference to legal proceedings?

Dr Le: Yes, because exactly what it says here.

Ms Cronk: If this is accurate, it means there was discussion at the meeting about legal proceedings. You'd agree? Do you understand what I'm putting to you, Dr Le? All right. You're just not in a position to comment.

Dr Le: Again, I have difficulty with your choice of

the word. I would say that whether these words were mention or whether there was a discussion around these words, in my mind there's a distinct difference between the two cases. It could have been that these words were mention by somebody; that's one thing. But whether or not there's a discussion around these words is another thing.

Ms Cronk: So you're distinguishing between the concept of a discussion and the concept of someone mentioning something?

Dr Le: Exactly.

Ms Cronk: What does the concept of a discussion mean to you?

Dr Le: The concept of discussion means to me that there will be an elaboration of an idea. It's not just one time mentioning of the word and that's it. I wouldn't call that a discussion.

Ms Cronk: What is a discussion to you?

Dr Le: I just said to you that a discussion involves an elaboration of a point.

Ms Cronk: With another person? Is it an interplay, a dialogue between two or more people?

Dr Le: It could have been one person discussing an item.

Ms Cronk: I thank you for that clarification, because I want to make sure that I don't fail to get your evidence because I'm not using the right word when I ask you the question. Do you recall mention at the meeting by anyone of "legal proceedings," "charges" or "a court case"?

Dr Le: My memory doesn't serve me well in this aspect, I'm sorry, because at the time when the minister mentioned about two core issues, my mind became fixed on those two issues, so I tend not to pay attention to the other things. So I cannot confirm one way or the other.

1800

Ms Cronk: Would you turn back to page 3 of Ms Moey's notes, please. According to her notes, the point in the meeting at which Ms Pretty said that her big concerns were tenant participation and access was some time, and perhaps some significant time, before there was any mention of "resolution without legal proceedings and removal of directors." Do you see what I'm saying?

Dr Le: Yes.

Ms Cronk: So are you saying that from the point at the meeting when there was identification of tenant participation and access, you weren't really paying attention to the discussion thereafter?

Dr Le: No. I was saying that there had been many, many issues discussed at the time, but my mind was concentrating on the core issues, which I wholeheartedly agreed. So I didn't recall anything else to the extent that I could affirm with you one way or the other.

Ms Cronk: So that when I asked you if there was any mention of "legal proceedings" or "a court case" or "charges," are you saying to me that your recollection of what was mentioned is not sufficient to permit you to answer the question one way or the other?

Dr Le: Exactly.

Ms Cronk: All right. Do you remember at any point during the course of that meeting, Dr Le, anyone using the term "drop the charges" or "dropping the charges" or making the suggestion that charges should be dropped?

Dr Le: No.

Ms Cronk: Anyone?

Dr Le: No.

Ms Cronk: Do you have any recollection of Mr My Nguyen doing so?

Dr Le: No.

Ms Cronk: Or of Ms Pretty doing so?

Dr Le: No.

Ms Cronk: Or of the minister doing so?

Dr Le: No.

Ms Cronk: Do you have any recollection of any discussion at that meeting of a "crown attorney" or "prosecutor"?

Dr Le: Yes, I remember that, because that I see was said by Sharron, because she sat just beside me.

Ms Cronk: What do you recall being said in that regard?

Dr Le: She mentioned something about crown attorney.

Ms Cronk: Yes, but do you remember what she said?

Dr Le: Not exactly, but I think that she mention something in which she used the word "crown attorney."

Ms Cronk: Do you remember the context?

Dr Le: Perhaps, and this is just my interpretation in hindsight, but the time when she talk about "the action."

Ms Cronk: She was talking about the action?

Dr Le: Yeah, something like that.

Ms Cronk: Do you remember what she said in that regard?

Dr Le: No.

Ms Cronk: Do you recall any suggestion at that meeting of a further meeting among the board members and Ms Pretty to discuss things further?

Dr Le: Yes. I remember vividly that that was a suggestion of the minister.

Ms Cronk: In what context was that suggestion made?

Dr Le: It was the context of a suggestion of the minister to the effect that we should concentrate on the two core issues and there should be a meeting of the board, the whole board, on those two core issues.

Ms Cronk: And did she, the minister, also suggest that perhaps a facilitator or a third party, someone from the ministry or someone else, might be involved in that meeting?

Dr Le: Yes, she did.

Ms Cronk: Did the minister suggest any possible outcomes of that meeting?

Dr Le: I think that the minister just put forward those two core issues and suggest that the board get together at another date to discuss those core issues, and if there's agreement or if those two core issues are resolved at the

meeting, perhaps there is no need for other actions.

Ms Cronk: And did she explain what she meant by "other actions"?

Dr Le: She left it at that. I remember that she left it at that, that there's no need for further actions. I don't remember that she elaborate exactly what she meant and I don't think that anyone pursue her to ask her to explain.

Ms Cronk: What did you understand her to mean?

Dr Le: My understanding at the time—and I remember that I paraphrase what she said by saying that I felt that it's a very good suggestion and very positive. I also suggest that let bygone by bygone and let us forget about whatever happen in the past and look forward to the future. I think it only in that sense that I make the comment. I didn't refer to any particular action.

Ms Cronk: But when she said that, what did you understand her to mean when she referred to "other actions"? What did you think she was talking about?

Dr Le: It could have been a number of things, because the disagreement between the rest of the board and Ms Pretty is on a number of things. I really didn't pay more—I mean, I didn't spend any more time to think exactly what she meant, because when she mention, "Let's forget about what happened in the past and let's get together to look at the two issues" that she identified, and I believe that Ms Pretty agree also to those two issues—

Ms Cronk: To the two core issues?

Dr Le: Yes, that's right.

Ms Cronk: Just coming back to what you understood the minister meant by "pursuing other actions," are you saying to me that, first, the minister didn't explain what she meant by that, she didn't elaborate? Am I right?

Dr Le: She did not, as I recall.

Ms Cronk: Nor did you or anyone else ask, to the best of your recollection, what she meant?

Dr Le: That's right.

Ms Cronk: And that you do not have a clear memory of what you understood her to mean, but looking back on it, it could have referred to the difficulties between Sharron Pretty and the board?

Dr Le: That's correct.

Ms Cronk: Is it correct that those difficulties included the charges that had been initiated by Sharron Pretty and the proposed resolution by the board to remove her as a director?

Dr Le: Yes, if you consider these difficulties in their totality, of course it would include those things.

Ms Cronk: Yes, but you're really saying that there was no explanation of that, that you remember, that you could help the committee with as to what was meant by it.

Dr Le: That's correct.

Ms Cronk: To put it to you squarely, Dr Le, was it suggested at this meeting by the minister to the members of the board and to Sharron Pretty that if you had a further meeting with the involvement of a facilitator or a third party to try to work out your differences and to

arrive at a resolution, it might not be necessary for either of you to pursue other actions? Is that what she said?

Dr Le: She didn't say that.

Ms Cronk: To the best of your ability, would you tell the committee, please, what you remember the minister saying.

Dr Le: To the best of my ability, I recollect that she said: "So you agree that these are the two core issues? Why don't you get together and we, on our side, will send a person from the staff and perhaps an outside facilitator from the Ontario Non-Profit Housing Association, ONPHA, to facilitate the meeting. If there's an agreement on these two issues, then there's no need for other actions." That's what I recall.

Ms Cronk: Was there, at any point in the discussion, a suggestion by the minister or by anyone else that Ms Pretty go and speak with or consider speaking with the crown about her action?

Dr Le: I don't recall that.

Ms Cronk: When you say you don't recall, unfortunately that sometimes means you don't recall one way or the other and sometimes it means it didn't happen. Which are you saying?

Dr Lee: It was not registered in my mind.

Ms Cronk: So you have no memory of that?

Dr Le: That's correct.

Ms Cronk: One way or the other?

Dr Le: That's correct.

Ms Cronk: Was there at any point, either by the minister or anyone else at that meeting, at any point during the meeting, any discussion of Sharron Pretty withdrawing her action or dropping her charges?

Dr Le: I don't recall that.

Ms Cronk: Again, one way or the other, or are you saying it didn't occur?

Dr Le: One way or the other.

1810

Ms Cronk: Was there, in so far as you were concerned, an agreement reached at the meeting between the board and Sharron Pretty to meet again for the purpose outlined by the minister?

Dr Le: That's my understanding.

Ms Cronk: And was it your understanding that there was agreement that if you all met again, the board would defer or postpone its proposal to remove Sharron Pretty as a director and she would drop her charges?

Dr Le: That's not my understanding. My understanding was that there was an agreement in the identification of the two core issues and that we would get together to discuss these two core issues. That's it.

Ms Cronk: Was it suggested by anyone at that meeting, Dr Le, that if there was agreement to get together for this further meeting to work towards a resolution, that the board on the one hand would defer action with respect to the removal of Ms Pretty and Ms Pretty, on the other, would not proceed with her charges for her case?

Dr Le: There was no such discussion.

Ms Cronk: By anyone at any time?

Dr Le: That's correct.

Ms Cronk: Because you understand, of course, I assume, Dr Le, that Ms Pretty has given evidence under oath before this committee that during the course of that meeting, the minister proposed to her repeatedly, on a number of occasions, that she drop her charges. You understand that?

Dr Le: I understand that.

Ms Cronk: And I take from your evidence that you have no recollection of that occurring?

Dr Le: I have no recollection of that happening.

Ms Cronk: And she has also given evidence before this committee that the minister suggested to her, during the course of the meeting, that she speak with or consider speaking with the crown about withdrawal of her charges. That also is quite different from what you're telling the committee: You'd agree?

Dr Le: I agree, but don't remember such a statement made by the minister.

Ms Cronk: And when you say that you don't remember it, are you saying it didn't happen, or you don't remember one way or the other?

Dr Le: It didn't happen.

Ms Cronk: It did not happen.

Dr Le: It did not happen.

Ms Cronk: I see. So you're clear about that, although not about some of the other aspects.

Dr Le: It's possible, yes.

Ms Cronk: What's possible?

Dr Le: I mean, I could be clear on some issues and not clear on other issues.

Ms Cronk: I understand. I'm just asking if that's the situation on this particular feature of it.

Dr Le: That's correct.

Ms Cronk: So you're saying that that did not occur?

Dr Le: That did not occur.

Ms Cronk: And Ms Pretty has also told this committee that she felt under considerable pressure at that meeting and felt intimidated at that meeting. Did she at any point say or do anything which to you indicated that she was under pressure or feeling tense?

Dr Le: I didn't notice any pressure on her part because she was sitting right on my left. I didn't see her in a tense mood at all.

Ms Cronk: Was it not the case that the meeting at points did become very tense, Dr Le, or did you not feel that?

Dr Le: It was not tense as such. Towards the end of the meeting, when we had all agreed to the suggestion by the minister to get together to discuss the two core issues, the mood of the meeting was: "Let's take positive step to go beyond the suggestion. Let's set a date." Then I think that at that point in time we were ready to go ahead to set up a date where we can get together. I think that at that time, Ms Pretty felt that she was not in a position to fix up a date for the meeting right there.

Ms Cronk: And was there agreement on a specific date to meet?

Dr Le: No, no. I think that that was left to Dr Hieu Truong and Ms Pretty to come back with agreement on the date.

Ms Cronk: Dr Le, isn't it the case that there were moments in that meeting where tensions were running quite high?

Dr Le: I would say it's quite high—I remember that at some point in time Dr Truong said something and Ms Pretty took exception to it, but I wouldn't characterize that as a quite highly tense moment.

Ms Cronk: Were you conscious of tension in the room at various times?

Dr Le: As a matter of fact, no. I felt very much at ease. I felt the mood of the meeting was very positive. The minister was very much at ease. I thought at the time that we all agreed on what course of action we should take as a group.

Ms Cronk: What was that?

Dr Le: The meeting to discuss the two core issues.

Ms Cronk: What did you think was going to come out of that meeting?

Dr Le: Well, I think that the outcome of that meeting was that the board would get together seriously to discuss the two core issues that the minister had helped identify and which we had agreed to. I think that's all that we could hope for.

Ms Cronk: What did you think was going to happen with respect to the removal of Sharron Pretty from the board in the meantime?

Dr Le: Definitely I felt that if there was such a positive step agreed upon by everyone concerned, then it would not be necessary for the board to proceed with its plan to remove Ms Pretty from the board.

Ms Cronk: What did you think was going to happen to the charges initiated by Ms Pretty in the meantime?

Dr Le: I didn't give much thought to that, because I thought that that was entirely up to Ms Pretty to decide. But on our part, at least personally, I felt that if we had agreed to the principle of getting together, then there's no need to go ahead with the decision to remove Ms Pretty from the board. So I tend to think of just on our side what we had planned to do, and I felt that it was not necessary.

Ms Cronk: You gave no thought at that point to what Ms Pretty might do, if anything, with respect to the action on her side, that is, the charges she'd initiated?

Dr Le: I gave no thought to what she might do, because I felt very positive about the meeting.

Ms Cronk: Well, did anybody ask her about that at the meeting or propose to her what should happen with respect to that?

Dr Le: I don't remember that. No, I don't think anyone asked her about it.

Ms Cronk: When you say that you knew of the core issues that the minister had helped identify, you'd known of those two core issues for months, hadn't you, Dr Le?

They'd been identified in correspondence months before this meeting, in exactly that language?

Dr Le: No, no, because over the months, starting from the fall of 1993 until then, a number of issues had been identified by Ms Pretty, and as I said to the committee earlier, she tended to shift her position, her focus, from one issue to another.

Ms Cronk: I'm sorry, sir. I am listening. I just had to get a piece of paper. She shifted her position from one issue to another?

Dr Le: Yes, that's right.

Ms Cronk: Is it not the case that on March the 20th when she wrote to the board of directors—a copy of which letter you saw—she specifically referred to tenant access and participation and to those being the core issues, or do you remember?

Dr Le: I don't remember that she identified those as core issues. She did identify those issues, but on the other hand, before that she identified other issues.

Ms Cronk: Yes, I understand. But in terms of the correspondence from Sharron Pretty of most recent date of which you were aware before you went into that June 17th meeting, Ms Pretty had talked about core issues, tenant access and tenant participation; in fact, she'd done so in the following language. She'd asked for a dedicated board meeting on March 29th; that it be solely devoted to the resolution of the "two core issues of access and tenant participation." Isn't that so?

Dr Le: I didn't remember it that way. All I remember is that she identified many, many issues, and these are the two among those issues that she has identified. I think it was only at the meeting with the minister that we agreed among the board that yes, these are the two core issues.

Ms Cronk: I see. Are you saying that it was only with the minister's help at the meeting that the board acknowledged that those were the two core issues?

Dr Le: I would say that the minister helped us focus on these two issues more than what we had been able to do before that.

1820

Ms Cronk: Did you at any point personally during that meeting, Dr Le, feel pressured in any way?

Dr Le: Oh, no. I was very much at ease.

Ms Cronk: I'm sorry, you did say that, that you felt relaxed and at ease.

Dr Le: That's right.

Ms Cronk: Is there anything further about the June 17th board meeting that you would like to—I don't mean "board meeting"; the June 17th meeting with the minister—that you would like to indicate to the committee?

Dr Le: No, I don't have anything else.

Ms Cronk: And do you now recall any discussion after the meeting with any other of the board members regarding what had occurred?

Dr Le: No, no, because I thought that we had a common understanding that those are the two core issues and we should move ahead to set up a date to meet with Ms Pretty.

Ms Cronk: Didn't the other directors, excluding Sharron Pretty, go and have lunch together after the meeting on June 17th?

Dr Le: As a matter of fact, I invited Ms Pretty to join us for lunch.

Ms Cronk: Ah, did you?

Dr Le: Right after the meeting I stood up and I said, "Sharron, let's forget about the past. Let's get together for lunch just to make sure that we have listened to the minister and we take positive steps," but she said that she had other commitments.

Ms Cronk: And did you have lunch with the other directors?

Dr Le: Yes.

Ms Cronk: And did you discuss at that lunch what had occurred at the meeting? Or what the minister had said?

Dr Le: We discussed only the outcome of the meeting to the extent that we wonder when we are going to get together with Ms Pretty to discuss, because personally I felt very positive about the meeting and I think that the other directors might have felt the same way.

Ms Cronk: Did you discuss with them specifically what the minister had said at the meeting?

Dr Le: No.

Ms Cronk: Did you subsequently?

Dr Le: No, no.

Ms Cronk: Was there a time when you learned, at any point, that Dr Tang's understanding of what had been agreed upon at the meeting may have been different from your own?

Dr Le: Could you repeat the question?

Ms Cronk: Was there a time after the meeting, at any point, when you learned that Dr Tang's understanding of what had been agreed upon may have differed from your own?

Dr Le: No.

Ms Cronk: I'm almost finished, Dr Le, you'll be glad to know, with my questions. Did you while you were here this week listen to the evidence of the proceedings before the committee?

Dr Le: Yes.

Ms Cronk: Including the evidence of Dr Tang last evening?

Dr Le: Yes.

Ms Cronk: And the evidence of Dr Truong today?

Dr Le: Yes.

Ms Cronk: Thank you very much, sir. Those are my questions.

Dr Le: Thank you.

The Chair: Dr Le, if you wouldn't mind, some of the committee members have said they've only got one or two questions and then we can take a half-hour break and then you can step down from the stand and you're done.

Dr Le: Thank you.

The Chair: Would you rather go that way or take the break and come back for five minutes?

Dr Le: It's up to you, Mr Chair.

The Chair: Okay. Ms Marland.

Mrs Marland: Thank you, Mr Chair. Dr Le, I'd like to draw your attention to your own notes of the meeting and the very last notation you have: "Let all tenants know about this discussion," and—you've got a plus sign—"the result."

Mr Hunt: Mr Chair, if we could just have a moment to get the page. Thank you.

Mrs Marland: Could you tell us, since these are your notes, what you meant when you wrote the words "plus the result," what you meant by "the result"?

Dr Le: I think, um, this was a suggestion from the minister.

Mrs Marland: What was the suggestion?

Dr Le: To let all the tenants know about this discussion and the result, which is a common understanding that we'll get together to discuss the two core issues.

Mrs Marland: So you're saying that this refers to the minister speaking, this last note of yours?

Dr Le: To the best of my knowledge, yes.

Mrs Marland: You told Ms Cronk earlier this afternoon that you were concerned about the charges. Is that right?

Dr Le: Yes.

Mrs Marland: You also told Ms Cronk, I believe, that you did not disagree with Ms Moey's notes of record of the meeting.

Dr Le: That's some of the points that we went over, I think?

Mrs Marland: That's right.

Dr Le: We didn't have the time to go through the whole thing.

Mrs Marland: Correct, but the notes that you went through, you agreed with.

Dr Le: Yes.

Mrs Marland: In those notes that you went through, there is the note where it says, "Ev—to the board—can these things be resolved without legal proceedings [and] removal of directors." Do you want to find that? Do you have that now?

Dr Le: Yes.

Mrs Marland: So you said you were concerned about the charges. You've told us that you don't disagree with these notes. These notes refer to the minister saying, "Can these things be resolved without legal proceedings and removal of directors?" And yet now you tell us that you do not have any recollection of legal proceedings being discussed.

Dr Le: I'm sorry. I may have misstated, but when I said that I generally agree with the substance of the recording by Ms Moey, I wouldn't be able to say that, yes, this is what the minister said because my recollection does not allow me to put that in an affirmative way.

But I believe that I said at the time I generally agree with the substance of these notes, but I cannot say that I agree with the exact wording of who said what.

Mrs Marland: Would you not agree that if you went into a meeting where you were concerned about the charges that at that point when the charges are discussed you would have some recollection of it being discussed?

Dr Le: With all due respect to you, Madam Member, I was saying that I did not take the charge lightly. That's one thing. But on the other hand, I was not so much concerned about it that I would take those with me to the meeting to the extent that that would preoccupy my thinking at the time, because I was just thinking that the best thing we could achieve is to get together with Ms Pretty to discuss the common issues of concern. That was foremost in my mind.

Mrs Marland: Were you relieved, Dr Le, when the meeting was over?

Dr Le: I indicate to the committee that I felt very much at ease right from the start. I was very enthusiastic at the end of the meeting. I felt very much positive that now that we have a common understanding, let's move ahead, let's forget about the past. So I felt very much elated about the meeting.

Mrs Marland: And did you feel that way because "the past" included the charges; now everything was over, let bygones be bygones, and now the charges were going to be dropped? Is that why you felt relieved, because now those were in the past?

Dr Le: Not particularly, because the disagreement that we have had with Ms Pretty has been going on for so long that if we could achieve an understanding with her, at least on this particular point, that would more than compensate whatever energy we have spent over the months on the disagreement with her.

Mrs Marland: If you're saying "not particularly," would you agree, but in part?

Dr Le: I would say so, because that didn't come to my mind, because I felt very much enthusiastic about the whole thing. So the charge is just something that didn't occupy my focus at all.

Mrs Marland: One final question. You did agree with the questions from Ms Cronk that there was accuracy in Ms Moey's minutes of the meeting in those areas that she took you through and compared you with?

1830

Dr Le: I did agree to the overall tones of the meeting, to the substance of the meeting, but not to the specific items that were discussed at the meeting. I could not say that I agree with the particular words that Ms Moey use to record the meeting.

Mrs Marland: Ms Cronk took you through specifics in your notes of the meeting and Ms Moey's notes in the meeting and compared them, and you agreed that they were in sequence and were the same.

Dr Le: That's correct.

Mrs Marland: That's what I thought. So would you now agree that if Ms Moey's notes were the same as yours, it's quite likely that all Ms Moey's notes would be correct?

Dr Le: I wouldn't say that.

Mr Harnick: Sir, you would agree that Ms Moey's

notes refer to the "resolution without legal proceedings." That's what they say. You'd agree that that's what they say?

Dr Le: That's what hers say, yes.

Mr Harnick: Dr Tang, whose evidence you heard last night, told us very clearly that there was an agreement and that the agreement was that legal proceedings be discontinued in exchange for the meeting for the removal of Sharron Pretty as a director being deferred.

Mr Owens: I don't think he said that.

Mr Harnick: He described it as an arrangement, as opposed to an agreement, but that's what he told us last night. And you disagree with both of those people that that's what happened?

Dr Le: I wouldn't comment on what other people had to say to you.

Mr Harnick: Just your point of view is different.

Dr Le: If you characterize that that way. All I'm saying to the committee is that personally I felt very much elated at the meeting because finally we have been able to get an agreement with Sharron to sit together with her to discuss the two core issues. That is all I said.

Mr Harnick: No. That's not what I'm asking you. I just want to know whether it's clear to you that your understanding is obviously different, about what happened at the meeting in terms of the charges and the deferral of the meeting to remove Sharron Pretty, than Ms Moey's and Dr Tang's. Are you aware that there's a difference of opinion between you and Dr Tang and Ms Moey?

Dr Le: All I can tell you is that I felt that there was an agreement to sit together to discuss the two core issues. I cannot comment on how different my view is from other people's view.

Mr Harnick: All right.

Mrs Marland: Would you bank our time, please, Mr Chair?

Mr Sutherland: Dr Le, if I can refer back to your notes again, I want to pick up on the question Ms Marland asked you about your notes on the very last line on page 2, or the last two lines. Ms Marland referred to that it said, "Let all tenants know about this discussion, plus the result." Ms Marland didn't indicate what is in the notes after that. Could you please read what is on the page after "result"?

Dr Le: What do you mean? Which page?

Mr Sutherland: On page 2 of your notes of the meeting.

Dr Le: That's all I have. My notes are just two pages.

Mr Sutherland: On page 2, at least in my copy, it says, "Let all tenants know about this discussion, plus the result," which is what Ms Marland said. Then I see a colon, and then it says "a"—and then it looks like an insert—"special board meeting." That's what it says there?

Dr Le: Yes.

Mr Sutherland: So is it a fair assumption to assume the reference to "the result" is the special board meeting?

Dr Le: The result of the meeting—

Mr Sutherland: Would be another special board meeting to talk about the core issues.

Dr Le: Exactly.

Mr Sutherland: Thank you. Dr Le, were you born in Canada?

Dr Le: I was born in Vietnam.

Mr Sutherland: When did you come to Canada?

Dr Le: I came here in 1963.

Mr Sutherland: What were your reasons for coming to Canada at the time?

Dr Le: I was fortunate enough to obtain a scholarship from the Canadian government.

Mr Sutherland: Dr Le, you are a successful person in your career. You have a PhD. You mentioned to us earlier that you have a very strong commitment to seniors in the Vietnamese community.

Dr Le: That's correct.

Mr Sutherland: That because of circumstances you were aware of regarding your own situation and your own family members, your parents, you became very committed to trying to provide affordable housing to Vietnamese seniors?

Dr Le: That's correct.

Mr Sutherland: Okay. You are aware that both in some of the documentation that's been provided to this committee and in terms of letters that were sent to you, both Ms Pretty and Ms Luu have described you in some of your activities as being a dictator. Given that you have this strong commitment to seniors and to trying to provide non-profit housing to seniors in your community, I would like you to tell the community how you feel about that accusation that you were being a dictator.

Dr Le: I think that being a dictator and being a volunteer at the same time is a little bit inconsistent.

Mr Sutherland: And why is that?

Dr Le: Because when you volunteer you have to work with other people.

Mr Sutherland: So you believe you have to work in a consensus form?

Dr Le: Exactly.

Mr Sutherland: You've obviously indicated that you've given many volunteer hours to the Vietnamese community over the years.

Dr Le: And to the public at large as well.

Mr Sutherland: And to the public at large as well. Thank you.

If I could just turn back to a few other issues, you mentioned earlier that as the meeting was going on, you felt positive about the meeting. What made you feel positive about the meeting?

Dr Le: The reason why I felt positive was I was bothered by the disagreement that we have had with Sharron Pretty over the months, because I felt that initially I invited Sharron to sit down with us, to serve the common interests of the tenants. And she did have some very positive contribution. We listened to her. For

example, when she mentioned that all the posters, the notices in the building, should be in both English and Vietnamese, we felt right away that it was an excellent suggestion and we took the step to implement it right away.

Mr Sutherland: So you're indicating to the committee that some suggestions that Ms Pretty made as a director for changes were definitely implemented by the board?

Dr Le: Not as a director. Before she became a director.

Mr Sutherland: Okay, when she was a tenant, then.

Dr Le: Yes.

Mr Sutherland: Thank you. Going back again to the June 17th meeting, you said you were positive about the meeting because you felt you were getting close to kind of resolving some of the—or moving forward. How was the tone of the minister at the meeting?

Dr Le: I think she behaved in a very compassionate and calm—this is the way I have known of the minister over the years.

Mr Sutherland: Could you describe that as conciliatory, or a mediating, facilitating role?

Dr Le: Exactly. Over the last several years, I have come to know of the minister, to respect her tendency to embody the three characters that Canadians are known over the world.

Mr Sutherland: And what are those three characteristics?

Dr Le: These three characters are generosity, modesty and sincerity, and I think that she embody all these three characters.

Mr Sutherland: Was it your sense that the minister was trying to take sides at this meeting?

Dr Le: Not at all.

Mr Sutherland: Did you get any sense that the minister was trying to pressure anybody at the meeting?

Dr Le: Not at all.

Mr Sutherland: I believe—let me just catch my breath to phrase it. As far as you can recall, was there any reference to the term “a deal” being made by the end of the meeting? Did anyone mention the term “a deal”?

Dr Le: I don't recall that.

Mr Sutherland: I think that's my questions for now.
1840

The Chair: Mr Johnson, did I see your hand up?

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): Yes, you did. Thank you. Because I won't get a chance to ask you questions later, after this evening, I want to ask you just some basic questions about both the notes taken by Ms Moey and by yourself. I understand—or at least there's an understanding among the committee members, I think, that there's a chronology to Ms Moey's notes and your notes that is very similar. You took your notes through the period of time of the meeting and you did not jump all around. I think that was indicated by legal counsel, that that was the case.

But as I've examined these notes, it becomes aware to

me that there are issues that are repeated throughout the course of the meeting. Legal counsel indicated that there was a big space of time between your notes of—and you've actually jotted it down twice—“access” and “tenants' participation.” You'll see on your first page near the bottom that you do mention access and you do mention tenants' participation, and then on the second page, at the very top, you say, “Core Issues of Concern—access to the tenants” and “tenants' participation” again. If I look at Ms Moey's notes, I see that that has been mentioned actually four times in her notes. Obviously, that would indicate to me that that was one of the major topics of consideration through the course of that meeting. Would you agree with that?

Dr Le: Yes, I do.

Mr Paul Johnson: And that was discussed more than once by more than one or two people in that meeting?

Dr Le: I do.

Mr Paul Johnson: Thank you very much.

Mr Winner: I'm sure you'll be relieved to know that I only have one question for you. While you were perhaps a little unclear and your recollection did not permit you to recall certain aspects of the June 17 meeting, when counsel for the committee asked you very directly whether you recalled the minister asking Sharron Pretty to drop charges or to talk to a crown attorney, you were very clear in your answer: You said it didn't happen. Is that correct?

Dr Le: That's correct.

Mr Winner: Thank you.

Mr Callahan: I understand that there was a special meeting called for June 19th, in advance of that meeting with the minister, which was to consider the question of Sharron Pretty being put out as a director. I just give you that as background information. That was correct, wasn't it?

Dr Le: You mean, the meeting following the meeting with the minister?

Mr Callahan: Yeah. There was a meeting scheduled for the 19th, isn't that right? Now, as far as you were concerned, when you left the meeting on the 17th, there was no doubt in your mind that that meeting was not going ahead, isn't that right?

Dr Le: That's my understanding.

Mr Callahan: So anybody who thought that meeting was going ahead was mistaken.

Dr Le: I think we may have had different understandings of the outcome of the meeting.

Mr Callahan: I want to get this clear. As a result of what you heard at the meeting of the 17th, one thing was at least perfectly clear: that because of what had been discussed and the elation that you left this meeting with, the meeting of the 19th was going to be shoved off. Isn't that right?

Dr Le: That's right.

Mr Callahan: Okay. I know you've been asked a lot of questions about what was said here. If I just put this to you—just listen for a second. “We talked about a whole range of ways the board could resolve its differ-

ences. One of the questions was whether or not the board could resolve its differences without the courts." Does that sound familiar?

Dr Le: In the overall tone of the meeting, yes.

Mr Callahan: No. Does that question sound familiar, the way I've put it?

Interjection: He said yes.

Mr Callahan: Did you say yes to that?

Dr Le: I'm sorry, I can't—

Mr Callahan: I'll read it to you again. "We talked about a whole range of ways the board could resolve its differences. One of the questions was whether or not the board could resolve its differences without the courts." Do you remember that being said, or something to that effect being said?

Dr Le: I don't remember that.

Mr Callahan: Let me help you out. That's a response that was prepared for the Minister of Housing to respond to a question in the House. This was a briefing note to her, which said, "Did the issue of the court case come up?" and that was her answer. Now, does that help you?

Dr Le: I was not aware of her answer in the House.

Mr Callahan: No. I'm asking you, does that sound like something that was said at that meeting? I'll read it again for you: "We talked about a whole range of ways the board could resolve its differences. One of the questions was whether or not the board could resolve its differences without the courts." Do you remember that being said or something very similar to that being said during that meeting on June 17th?

Dr Le: I don't recall that being said in those exact terms.

Mr Callahan: But something like that. There was reference to the courts, how the matter could be resolved without having to go to the courts. Is that right?

Dr Le: No.

Mr Callahan: All right, just finally, one further thing. You say no to that. Mr Sutherland was at this meeting, wasn't he? Was Mr Sutherland there?

Dr Le: Yes, he was.

Mr Callahan: I refer you to a note which we were told was prepared as a total outline of the meeting of June 17. It's referred to it at tab 103, and I'd like you to look at page 3 of that note. I'd like you to look at two paragraphs and tell me whether or not this is what you recall of the meeting. It's certainly what Mr Sutherland recalled of the meeting because he put it together afterwards.

"As the meeting wound down the atmosphere appeared to improve and the minister again appealed to all of the members to reconsider their positions and to meet again with a fresh approach to problem-solving."

Does that sound familiar?

Mr Hunt: Before the witness answers, Mr Chair, perhaps Mr Callahan could also draw the witness's attention to when the document was prepared.

Mr Callahan: It was prepared on July 14th, 1994. I hope that wasn't being taken out of my time.

The Chair: No, I made sure not.

Mr Callahan: Okay. Does that sound familiar to you?

Dr Le: Yes.

Mr Callahan: It does. "With a fresh approach to problem-solving." You agree that that sounds familiar.

"Ms Pretty expressed surprised about this recommendation and again referred to the many issues that she had raised that had not, in her opinion, been dealt with satisfactorily."

Do you remember that, Mrs Pretty raising that issue? Yes or no?

Dr Le: It's possible. I can't confirm with you one way or the other.

Mr Callahan: Okay. We'll go to the next paragraph and then I'm finished with you.

"The minister stressed the importance of starting anew with an objective approach to problem-solving and that this would be a positive approach to correcting problems at the non-profit project."

Does that sound like something that was said? If you don't know, tell me.

Dr Le: I'm sorry. It takes me some time to read this through.

Mr Callahan: While you're doing that, let me just suggest to you that what happened at this meeting was that there was discussion about deferring the decision on the directorship being revoked on Mrs Pretty. There was also discussion, I suggest to you, that the core issues would be discussed at a later date, but there was also an understanding that Mrs Pretty would go away and think about whether she would withdraw the charges or at least not proceed with the charges. Is that a fair statement of what the result of that meeting was?

Dr Le: I wouldn't say so.

Mr Callahan: You wouldn't say so?

Dr Le: I would not say so, because my—

Mr Callahan: What part of it's not correct?

Dr Le: You have used so many words that I just could not recollect in my mind.

Mr Callahan: All right. There was an agreement that the consideration of her being removed from the directorship would be delayed? Was that discussed?

Dr Le: It was not discussed in that term. It is discussed in its totality.

Mr Callahan: Never mind. I'll bank the rest of it.

Mr Murphy: Dr Le, thank you for coming here. I just have a couple of questions. You gave what I thought was a very nice description of the minister. I guess I may have just missed it. I'm just wondering if you said how long you've known Minister Gigantes.

Dr Le: I have known of the minister for the last several years, to the same extent that I have known of other politicians in the national capital region, such as Mr Richard Patten, Peter Harris, Mike Hough, Marlene Catterall and so on.

1850

Mr Murphy: I guess I missed it. Did you ever meet

Minister Gigantes before June 17th?

Dr Le: I have met her on the official event of the community from time to time.

Mr Murphy: I think you told counsel that there was a lunch of the directors after the meeting on June 17th. Do you remember that?

Dr Le: It was not a lunch of directors. Right after the meeting, I suggest to Sharron that she may want to join us to go to a Vietnamese restaurant, and mentioned that specifically, and she declined the offer.

Mr Murphy: That's fair. What I guess I'm trying to get at is, who else was there at that lunch?

Dr Le: Just the four of us: Dr Hieu Truong, Dr Vinh Tang, Mr My Nguyen and myself.

Mr Murphy: I think you told Mr Callahan that it was clear to you in any event that the meeting on the 19th, which was dealing with the removal of Sharron Pretty, was not going ahead when you left the meeting on the 17th. Am I right in that?

Dr Le: That's my understanding, because of the positive outcome of the meeting.

Mr Murphy: Did you share that understanding of what was going to happen at the 19th with the other—

Dr Le: It was my understanding.

Mr Murphy: No, I understand that, but did you share what is your understanding, that the meeting on the 19th wasn't going to go ahead, with the other directors you had lunch with after the meeting with the minister?

Dr Le: Yes.

Mr Murphy: So you told the other directors who were at that lunch that you're not going to meet on the 19th?

Dr Le: I did not tell them anything, but I think that we got a common understanding that this is a fresh look that the minister suggests and we accept that as a very positive suggestion.

Mr Murphy: Did you say that at the lunch?

Dr Le: No. We didn't say anything about the meeting because we felt very much elated, happy.

Mr Murphy: I guess I'm just a little confused, because you said you had a common understanding. How did you know it was common if you hadn't talked about it so you could share what each of you understood? Maybe I'm confusing it, and I don't mean to put words in your mouth, but if you could just help me out.

Dr Le: I think that just by observing how people behave, you know, you can roughly tell how they feel. We walk out of the meeting room happy, laughing, smiling.

Mr Murphy: So it was your sense that all four of you, by the way you came out of the meeting, had the same conclusion, which was that you weren't going to go ahead on Sunday because there had been, at least in your mind and the others, a happy result from the meeting.

Dr Le: We felt very much that there was no need to go ahead meeting.

Mr Murphy: I think you also told counsel and perhaps others as well that the charges wasn't much in

your mind at the June 17th meeting. I think I wrote down here you just didn't give it much thought or didn't give much thought to it perhaps. Do you remember saying that about the charges in the 17th meeting?

Dr Le: No. I was saying to counsel to the committee that I thought that the charge was serious, because any charge is serious. I did not take it lightly.

Mr Murphy: Were the charges on your mind going into the 17th meeting?

Dr Le: Not at all. Not at all, because we had been waiting for this meeting for long.

Mr Murphy: So the charges weren't even something you were thinking about going into the meeting with the minister?

Dr Le: Not at all.

Mr Murphy: Do you remember on the 15th that the directors met in a directors' meeting two days before you met with the minister? Do you remember that?

Dr Le: Yes.

Mr Murphy: That was the meeting in which I think you decided as a board to hire a lawyer to defend the charges brought by Sharron Pretty through the crown against you. Do you remember doing that?

Dr Le: Yes, I think so.

Mr Murphy: Okay, fine. Thank you. And do you know whether you or one of the other directors had talked to the lawyers before you decided at that meeting to hire them?

Dr Le: I don't think that was necessary, because our legal counsel has been Soloway, Wright right from the start of the project.

Mr Murphy: I understand. I was just wondering if you or somebody, one of the other directors, had talked to your lawyers about the charges before you agreed to hire them as your counsel to represent you. Do you know?

Dr Le: It's immaterial because we have retained Soloway, Wright, Victor as our legal counsel right from the start, so I assume that if there's anything which needs legal counsel, they will be our counsel.

Mr Murphy: I understand why you'd say that. I'm just trying to find out from you whether you, or whether you know if some other director, talked to your lawyer about the charges before the June 17th meeting.

Dr Le: I didn't, no, because I was not secretary at the time; I was not president.

Mr Murphy: Okay. So let me break this up. You didn't talk to a lawyer about the charges before the June 17th meeting.

Dr Le: I did not.

Mr Murphy: Do you know if any other director who was charged talked to a lawyer about the charges before the June 17th meeting?

Dr Le: I don't know.

Mr Murphy: So you don't know whether one of the other directors did?

Dr Le: That's right.

Mr Murphy: Okay. All right. Thank you. I appreciate that.

Ms Cronk: Dr Le, I only have one or two further questions for you and then we're complete, and I neglected to ask you this before and for that I apologize. It has to do with the resolution of the board to hold a meeting on June 19th to remove Sharron Pretty as a director. Okay? Are you with me, what I'm talking about?

Dr Le: That is a proposed resolution for consideration.

Ms Cronk: Quite right. I stand corrected.

Dr Le: At the June 19th meeting.

Ms Cronk: I stand corrected. That's just the subject matter that I want to direct your attention to. Is it correct, based on your recollection of events, that the decision to do that, that is, to introduce that proposed resolution, did or did not stem from the James Wallace article on June first?

Dr Le: I think that if you paraphrase my thought before, the James Wallace article was the last straw that broke the camel's back.

Ms Cronk: Had Mr My Nguyen also threatened to resign if Ms Pretty was not removed as a director?

Dr Le: I don't recall that he threatened to resign, because he never threatened anything. My Nguyen is such a person that he doesn't threaten anyone with anything.

Ms Cronk: Had he suggested he was going to resign if she wasn't removed?

Dr Le: I don't think so. He never said it to me.

Ms Cronk: So you had no information or understanding that he was considering resigning if she did not get removed as a director?

Dr Le: No.

Ms Cronk: Do you remember being interviewed by counsel to the committee for the purposes of giving your evidence here on or about July 22nd, 1994?

Dr Le: Yes.

Ms Cronk: Were you interviewed by anyone else with respect to your anticipated evidence before the committee, except of course by your own counsel?

Dr Le: That's right.

Ms Cronk: Yes. You spoke through your own counsel, but did anybody else interview you? Did you sit down and talk about your evidence with anyone else before giving it, apart from counsel of the committee and your own counsel?

Dr Le: No.

Ms Cronk: Did you discuss it with the other directors?

Dr Le: No, not in specific terms.

Ms Cronk: Just in general terms?

Dr Le: No, I think that we mentioned about the trip to Toronto and so on and so forth; we watch on TV, what we saw.

Ms Cronk: And I understand, Mr Le, and I certainly understand why, you have very great regard, I take it,

you've indicated to the committee, for the minister, both as a minister and as a Canadian.

Dr Le: Yes.

Ms Cronk: And you indicated that she, in your view, represents some of the attributes that I take it you most regard among us all as Canadians.

Dr Le: That's right.

Ms Cronk: I also understood you to say that you thought she came to the meeting to help mediate a resolution of a difficult situation where there'd been a history of differences for some considerable period of time. Is that fair?

Dr Le: That's correct.

Ms Cronk: And would it be fair of me to suggest that you would not want to see the minister caused any trouble as a result of her efforts on your behalf and on behalf of Ms Pretty at that meeting on June 17th?

Dr Le: That hasn't entered in my mind. What I tell the minister, I have been feeling like that for years.

Ms Cronk: I understand, sir. Thank you very much for coming to assist the committee.

The Chair: Dr Le, I'd like to thank you for coming before the committee. Without your testimony, it would not add enough body to the report that we will be writing. I think you have the record at two and a half hours without a break. We appreciate that and we will have a break now. Now, since you're finished as a witness, you can talk to anyone.

Dr Le: Thank you very much, Mr Chair.

The Chair: This committee will recess until 7:30.

The committee recessed from 1859 to 1950.

The Chair: I see, Mr Winninger, you have a point of order.

Mr Winninger: Yes, I've got a brief point of order, Mr Chair: Earlier this afternoon, when Margaret Marland was examining a witness, Hieu Truong, I believe his name is, she was questioning him in regard to the Corporations Act and she said, "Are you aware or are you not aware that the Corporations Act requires non-profit corporations to have legal liability insurance?" After a point of order was raised, I believe that matter died.

I felt a little unsettled at the time, but not being intimately acquainted with corporate—

Mrs Marland: This actually isn't a point of order. I know what you're going to say, but it's not a point of order.

Mr Winninger: Well, can I complete it at least?

Mrs Marland: Of course, if you want to use up time.

Mr Winninger: Briefly, not being intimately acquainted with the corporations law, I did ask the clerk to contact our legislative researcher, who in turn contacted Avrum Fenson, who is himself a lawyer and Rhodes scholar and he arrived shortly thereafter—

The Chair: Okay, can you get to the point?

Mr Winninger: —with the information I required. The fact of the matter is that the Corporations Act, he assures me, does not require that non-profit corporations

have legal liability insurance. The fact of the matter is that in order to get funding from the Ministry of Housing for a non-profit corporation, you do have to have a certificate that your insurance is in place. But I felt, for the benefit of the committee and the people who follow these proceedings, that the member, as critic for Housing for the Progressive Conservative Party, should be aware of it and I wanted to clarify the record on that.

The Chair: It's not a point of order, but a point of information. I thank you.

Mr Callahan: I'm certainly glad he did that. I learned something tonight.

Mrs Marland: Mr Chair, I'm entitled to respond. If you want me to say point of order in order to preface it—

The Chair: I'll say it's a point of information; okay.

Mrs Marland: Mr Chair, I'm very appreciative of the little presentation we've just had from someone who is a lawyer, because I'm not a lawyer and I never pretend to be, but what you've just told us gives me in fact more ammunition than I had before, because I understood that there was a requirement for insurance for boards of directors of non-profit housing corporations and what you've just told us has confirmed it. So I thank you very much for your work this afternoon to confirm that I was right in the first place.

The Chair: Mr Winninger, maybe you can give a photocopy of the report to Ms Marland.

MY NGUYEN

The Chair: Mr Nguyen, I'd like to welcome you to the standing committee here. The clerk is going to administer the oath before we get started.

Clerk of the Committee: Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Mr My Nguyen: Yes, I do.

The Chair: Okay, Ms Cronk here is our legal counsel, and I'll hand the floor over to you.

Ms Cronk: Thank you. Good evening, Mr Nguyen. Thank you for agreeing to appear in the evening before the committee. To Mr Nguyen's immediate left is Mr Phillip Hunt and as well Mr Harold Geller, who are representing Mr Nguyen tonight.

Mr Nguyen, as I understand it, you reside in Ottawa.

Mr Nguyen: Yes.

Ms Cronk: Where do you work?

Mr Nguyen: I work at NTI, which is Nunavut Tunngavik Inc.

Ms Cronk: I'm sorry, I think for the benefit of others you're going to have to repeat that again.

Mr Nguyen: Yes, Nunavut—do you want me to spell it?

Ms Cronk: Yes, please.

Mr Nguyen: N-U-N-A-V-U-T.

Ms Cronk: And the second word?

Mr Nguyen: Tunngavik, T-U-N-N-G-A-V-I-K, Incorporated.

Ms Cronk: Is that firm in Ottawa?

Mr Nguyen: Yes.

Ms Cronk: And what position do you hold with that firm, Mr Nguyen?

Mr Nguyen: I'm a director of finance for the organization.

Ms Cronk: How long have you held the position of director of finance?

Mr Nguyen: For two years.

Ms Cronk: As I understand it, you hold a bachelor of science degree, a masters of business administration degree and you're also a chartered management accountant. Is that correct?

Mr Nguyen: A certified management accountant.

Ms Cronk: I beg your pardon, sir; you're a certified management accountant. And how long have you worked with the firm where you are currently employed?

Mr Nguyen: About six years.

Ms Cronk: Thank you.

Mr Harnick: Excuse me, we are having difficulty hearing and I wonder if we can have the—

Mrs Marland: Lapel.

Mr Harnick: —lapel mike.

The Chair: Okay, could we get one of the technicians to do that?

Ms Cronk: We'll get you another microphone.

Mr Nguyen: Okay.

Mrs Marland: Just continue. Continue to—

Interjections.

The Chair: No, no, just wait. Just—

Mr Sutherland: Put the mike on.

The Chair: —put the mike on.

Interjection.

Mr Harnick: Bob, I'm a day older.

The Chair: Okay, we'll recess for one minute.

The committee recessed from 1956 to 1957.

The Chair: Okay, Ms Cronk, will you continue your questioning.

Ms Cronk: Thank you, Mr Chair. Mr Nguyen, I had asked you just before we took a short break how long you had been employed at the firm where you are currently engaged as director of finance. Could you just repeat your answer, sir?

Mr Nguyen: About six years.

Ms Cronk: About six years?

Mr Nguyen: Yes.

Ms Cronk: And as I understand it, and please correct me if I'm wrong, you have been associated with the Van Lang Centre in Ottawa since its opening.

Mr Nguyen: That's right.

Ms Cronk: And indeed, prior to that, were you also involved with the corporation responsible for the creation of the Van Lang Centre?

Mr Nguyen: That's right.

Ms Cronk: All right. And have you served in the past

in the capacity of director of that corporation of the Van Lang Centre?

Mr Nguyen: That's right.

Ms Cronk: When did you first become a director?

Mr Nguyen: When the corporation was incorporated, I believe in 1990.

Ms Cronk: In 1990?

Mr Nguyen: Yes.

Ms Cronk: And are you still a director today, sir?

Mr Nguyen: No, not any more. Until the last AGM, last week on Sunday.

Ms Cronk: I'm sorry, sir. I just want to make sure I understood that. You were a director for the last year until Sunday last?

Mr Nguyen: Yes.

Ms Cronk: And the committee has heard that last Sunday, as it happens, the Van Lang Centre board—or corporation, excuse me—had its annual meeting of members?

Mr Nguyen: That's right.

Ms Cronk: And I take it that one of the matters that was dealt with at that meeting was election of a board of directors?

Mr Nguyen: That's right.

Ms Cronk: And you ceased to be a director at that time?

Mr Nguyen: That's right.

Ms Cronk: During the period June 1993 until August 7, 1994, were you a director of the Van Lang corporation?

Mr Nguyen: That's right.

Ms Cronk: I'm using the wrong name there, but of the Van Lang Centre, the board.

Mr Nguyen: That's right, yes.

Ms Cronk: And as I understand it, you did as well, from time to time, hold a position as an officer of the company?

Mr Nguyen: Yes, as treasurer of the corporation.

Ms Cronk: And when did you serve as treasurer of the corporation?

Mr Nguyen: Until January 1994, I believe. From the beginning until January 1994.

Ms Cronk: All right. And the board has heard, Mr Nguyen, that in January of 1994, the then president, Dr Hieu Truong, together with the balance of the board, decided that a reorganization of the board would be appropriate and that one of the results of the reorganization was that Mr Truong step down as president and was replaced in that office by Dr Tang. Is that correct?

Mr Nguyen: That's right.

Ms Cronk: And the committee has also heard in evidence that up until January of 1994, the secretary of the corporation was Dr Can Le.

Mr Nguyen: That's right.

Ms Cronk: And that in January, upon the reorganization, he stepped down from the position of secretary and

that was assumed by Dr Hieu Truong.

Mr Nguyen: That's right.

Ms Cronk: And was it at that time that you retired from the position of treasurer?

Mr Nguyen: That's right.

Ms Cronk: And who assumed that role from January 1994 forward?

Mr Nguyen: Dr Truong would assume both positions, secretary-treasurer.

Ms Cronk: So Dr Truong took on both responsibilities?

Mr Nguyen: That's right.

Ms Cronk: And can you help us: Were those changes effected towards the end or the beginning or the middle of January 1994?

Mr Nguyen: I couldn't remember, between that, what meeting in January 1994; I couldn't remember exact date, whether on January 24th or 25th or—I couldn't remember.

Ms Cronk: All right, thank you. Towards the latter part of January, whenever the normal board meeting was held?

Mr Nguyen: That's right. That's right.

Ms Cronk: Thank you. And did you remain a director following that board reorganization?

Mr Nguyen: That's right.

Ms Cronk: And were you a director through the time period mid-January 1994 until the end of June of this year?

Mr Nguyen: That's right.

Ms Cronk: And in your capacity as a director—perhaps I should back up and say, Mr Nguyen, the committee has heard evidence from a variety of witnesses concerning the functioning of the board and various events involving Ms Sharron Pretty and Ms Trinh Luu during the period June 1993 thorough to the end of May 1994. I don't propose to review those with you in detail at all, but may I ask you about a number of selected events, very briefly?

In your capacity as director and treasurer during the spring and summer of 1993, did you become aware of concerns being expressed about the Van Lang Centre by the then project manager, Ms Trinh Luu?

Mr Nguyen: Yes.

Ms Cronk: The committee has heard that Ms Luu continued throughout the summer to hold her position as project manager of the Van Lang Centre until September the third, 1993, when she submitted a letter of resignation to the president.

Mr Nguyen: That's right.

Ms Cronk: And in that letter of resignation, is it correct that she expressed a number of concerns again about the Van Lang Centre?

Mr Nguyen: I didn't—I read the letter briefly. I couldn't remember exact content of the letter.

Ms Cronk: All right. So you don't—

Mr Nguyen: But I knew that she resigned to go to

law school. That's all I remember.

Ms Cronk: And did she leave in that month, that is, the month of September 1993, leave her employ and go to law school?

Mr Nguyen: I believe so.

Ms Cronk: All right. And in August 1993, when you have indicated you were still on the board, is it correct that a tenant of the Van Lang Centre, Ms Sharron Pretty, came on to the board as a director for the first time?

Mr Nguyen: That's right.

Ms Cronk: And she was appointed to and accepted at that time the office of vice-president of the corporation?

Mr Nguyen: That's right.

Ms Cronk: Did you thereafter, in your capacity as a director, participate in normal meetings of directors with Mrs Pretty, or Ms Pretty?

Mr Nguyen: That's right.

Ms Cronk: And was that true throughout the entirety of the fall of 1993?

Mr Nguyen: That's right.

Ms Cronk: And did there come a time in the fall of 1993 when you became aware that Ms Pretty was also expressing concerns about the Van Lang Centre?

Mr Nguyen: Um, that's correct.

Mrs Marland: I'm sorry. I'm just wondering if we could move the microphone to the right lapel and if Mr Nguyen could speak without his hand in front of his mouth. It's just very difficult to hear.

Ms Cronk: Mr Nguyen, would you mind doing that? Thank you. It's important that all the committee members be able to hear your evidence.

Mr Nguyen: Okay.

Ms Cronk: Thank you very much, sir.

You'd indicated to me that there did come a point when you became aware of concerns being expressed by Ms Pretty?

Mr Nguyen: That's right.

Ms Cronk: And can you, looking back on it now, help me approximately as to what time frame that was, just approximately?

Mr Nguyen: Honestly, I couldn't remember exact date, but I knew that Mrs Pretty wrote various letters to the board expressing concern about Van Lang Centre. But I couldn't remember the exact time frame. I knew that—I remember she wrote a lot of letters to that effect.

Ms Cronk: Okay. Well, in the fall of 1993 there's evidence before the committee that Ms Pretty wrote directly to the Minister of Housing, Ms Evelyn Gigantes, at the end of October 1993 by a letter dated October 29th, Mr Nguyen, in which she expressed a number of concerns. Did you, as a director, become aware that she had done so?

Mr Nguyen: No, I did not.

Ms Cronk: Subsequently, based on the evidence before the committee, Ms Pretty also entered into discussions with, or had discussions with, representatives of the Ministry of Housing in the months of November and

December 1993 concerning a number of issues that were of concern to her. In your capacity as director or otherwise did you become aware of that before the spring of 1994?

Mr Nguyen: I did not.

Ms Cronk: We have also heard in evidence, that is, the committee has heard in evidence, that Ms Pretty wrote to the board of directors on December 20th, 1993, with respect to the issue of her suggested removal, or the suggested withdrawal by her as a director of the corporation. Are you familiar with that event?

Mr Nguyen: Yeah, I knew that she was not selected or elected again as the representative of the tenant association somewhere in that area, in that time frame.

Ms Cronk: All right. And with the date of the letter that I've suggested to you, does that help you in indicating to the committee when you first became aware of concerns being expressed by Ms Pretty in written form to the board of directors regarding various matters relating to the Van Lang Centre?

Mr Nguyen: Well, as I said to you before, she wrote a lot of letters and I couldn't remember which one is which. I knew that she complained a lot in her letters. When I saw the letters, a lot of letters, I got confused and I just can't remember which one's which now.

Ms Cronk: I completely understand, sir. Would I also be correct in assuming that you were a director and serving as treasurer of the corporation throughout the entire period of time that Trinh Luu was employed at the centre?

Mr Nguyen: That's right.

Ms Cronk: Would I also be correct in assuming that by virtue of that fact, you came to know her in the sense of dealing with her from time to time in her employment capacity?

Mr Nguyen: That's right.

Ms Cronk: Did you become aware, towards the end of the fall of 1993 or in the winter of 1994, that Ms Luu, notwithstanding her departure for law school, had written to the Minister of Housing herself, requesting a meeting concerning matters related to the Van Lang Centre and herself expressing a number of concerns relating to the Van Lang Centre?

Mr Nguyen: I did not know of that event.

Ms Cronk: Did you ultimately become aware of that?

Mr Nguyen: I knew it the last couple of days through the hearing.

Ms Cronk: Prior to commencement of the hearing, did you have any knowledge of that matter?

Mr Nguyen: None whatsoever, no.

Ms Cronk: I see. Then in the latter part of November, beginning of December of 1993—and I'm seeking your confirmation and an understanding of what you were aware of during this period of time, so if I suggest anything to you factually that you feel is not correct, please indicate that to me. But towards the end of November, the beginning of December 1993, did you become aware that as a result of either inquiries made of the tenants' association or actions taken by the tenants'

association—I'm not seeking to characterize it—that Ms Pretty had been asked to withdraw as a director?

Mr Nguyen: I don't recall that event. I just remember during our board meeting, again, probably some time in December, we got a letter from the tenant association, I believe, saying that she's not re-elected as the representative of the tenant association. That much I remember, but I don't remember who asked her to withdraw her directorship.

Ms Cronk: You have no knowledge of that.

Mr Nguyen: No.

Ms Cronk: Did you attend board meetings of the Van Lang Centre on a regular basis?

Mr Nguyen: Not quite, because in my job I travel a lot. So I missed a few meetings.

Ms Cronk: Were you at the December 30, 1993, board meeting?

Mr Nguyen: I believe so, yes.

Ms Cronk: Was Mr Brian Sutherland of the Ministry of Housing in attendance as well at that meeting?

Mr Nguyen: That's right.

Ms Cronk: Did he address the board at that time about a number of issues?

Mr Nguyen: Yes, he did mention some issues; yes.

Ms Cronk: Had you met Mr Sutherland before?

Mr Nguyen: No, that was the first time I had met him.

Ms Cronk: Did you know by virtue of the events at that meeting that he was a senior representative of the Ministry of Housing from Ottawa?

Mr Nguyen: Well, he was introduced as a manager of the Ministry of Housing. That much I know, but I don't know how senior he was.

Ms Cronk: Thank you; I understand. I'm interested as well, Mr Nguyen, in your firsthand observations and your impressions as to how the board was functioning throughout the latter part of the—well, really, the fall of 1993 through and up to the end of December. It has been suggested in other evidence before the committee that by that time, whatever it's cause, and I'm not inviting you to comment on its cause, there was considerable acrimony and antagonism evident in the functioning of the board.

Mr Nguyen: That's correct.

Ms Cronk: Is it also correct that part of that antagonism and acrimony centred on difficulties that had emerged between Dr Can Le and Ms Sharron Pretty?

Mr Nguyen: That's right.

Ms Cronk: Is it also true that part of the difficulties were related to Ms Pretty's interactions with the board as a whole and vice versa, if I can put it that way?

Mr Nguyen: That's correct.

Ms Cronk: It wasn't just Dr Le and Ms Pretty; it did concern the board as a whole.

Mr Nguyen: That's correct.

2010

Ms Cronk: Am I also correct in my understanding that it was in the same time period, that is, either the

month of November but certainly by the month of December 1993, Ms Pretty had adopted the practice of taping board meetings?

Mr Nguyen: That's right. That's right.

Ms Cronk: Would it be appropriate or inappropriate for us to conclude that that caused some of the other directors some discomfort?

Mr Nguyen: That's right.

Ms Cronk: It was a source of difficulty at the board level, wasn't it?

Mr Nguyen: That's right. We did mention to her that we feel uncomfortable with the tape she brought to the meeting.

Ms Cronk: Did she thereafter tape a number of the board meetings that she attended that you were at?

Mr Nguyen: Yeah, I knew that she taped one board meeting, but I couldn't remember how many meetings she taped.

Ms Cronk: Okay. Do you remember her doing it on more than one occasion, though?

Mr Nguyen: I couldn't remember that.

Ms Cronk: Is the one meeting that you do remember the December 30th meeting? Because I think you indicated that she did tape that one.

Mr Nguyen: Probably. I'm not too sure.

Ms Cronk: You said probably?

Mr Nguyen: Yes.

Ms Cronk: All right. You're not sure. That's fine. By the end of December, given that state of affairs at the board level, would it be a fair characterization in your view if I were to suggest that the board was not functioning well and indeed the difficulties that had arisen of the kind that I've described to you were interfering with the ability of the board to effectively accomplish its business on an ongoing basis?

Mr Nguyen: That's right. That's correct.

Ms Cronk: Was that of sufficient concern to the board that a reorganization was undertaken, of the kind that we talked about a few moments ago, in January of 1994?

Mr Nguyen: That's correct.

Ms Cronk: All right. Is it also the case, and were you aware as a director, that in the early part of January 1994 the president of the corporation wrote to the Minister of Housing, Evelyn Gigantes, seeking a meeting with her for the board?

Mr Nguyen: That's right.

Ms Cronk: That was a matter I assume that was discussed at the board level and a common decision was taken to do that?

Mr Nguyen: Yeah, I believe we discussed we wanted to meet with the minister to explain to her about the operation of Van Lang Centre.

Ms Cronk: Right. Is that what you understood the purpose of the request was?

Mr Nguyen: That's right.

Ms Cronk: The information before the committee

suggests that towards the latter part of March 1994 a reply was forthcoming from the minister's office, actually from the minister herself in writing, in which it was indicated that at that time she could not commit to a meeting in the near future. Were you made aware of that?

Mr Nguyen: That's right. That's correct.

Ms Cronk: Were you present at a meeting on February the eighth, 1994, Mr Nguyen, when the results of a compliance review undertaken by the Ministry of Housing with respect to the Van Lang Centre were discussed?

Mr Nguyen: I couldn't remember that one.

Ms Cronk: Were you aware throughout the fall of 1993 that a compliance review was in progress?

Mr Nguyen: Yes, the compliance review was mentioned several times during some board meetings, but again, I cannot remember which board meeting it was mentioned.

Ms Cronk: All right. What is your understanding as to what caused that compliance review to be undertaken?

Mr Nguyen: I believe because first Trinh Luu complained about the superintendent—

Ms Cronk: I'm having trouble hearing you, sir.

Mr Nguyen: I believe the first thing is because Trinh Luu complained about the superintendent's performance and then Mrs Sharron Pretty complained of the same thing. I think that because of that we had a compliance report done. Again, I'm not too sure, but that's my recollection.

Ms Cronk: All right. Because of concerns expressed both by Ms Luu and Ms Pretty regarding the superintendent's performance?

Mr Nguyen: That's right.

Ms Cronk: Can you help me, and if you can't, please just tell me, but if you can, can you help me as to whether the compliance review was first proposed by the Ministry of Housing or was it requested in the first instance by Dr Le, or do you know?

Mr Nguyen: I couldn't remember. All I know is it was mentioned that it's standard procedure for the Ministry of Housing to conduct a compliance review of the centre. That much I remember. I couldn't remember who initiated that compliance review.

Ms Cronk: All right, thank you. Is it correct, as some evidence before the committee would suggest, that after the compliance review was discussed at the board level on February 8, 1994, in due course, in approximately April of 1994, the board wrote to the Ministry of Housing setting out a number of comments with respect to the compliance review, some of which were favourable and an expression of appreciation, some of which identified concerns that the board had with the review? Were you aware of that as a director, that that had occurred?

Dr Nguyen: I couldn't remember that, no.

Ms Cronk: You don't remember that?

Mr Nguyen: No, I don't remember that.

Ms Cronk: Okay. Do you remember any discussion at the board level after the results of the compliance review were made known as to what further action, if

any, the board should take with respect to it?

Mr Nguyen: Yes, I remember Dr Le mentioned about the compliance review, about the result of the review, and at that time I remember the compliance review was quite positive with respect to the performance of the superintendent.

Ms Cronk: All right. And did you at that approximate time period, that is, the spring of 1994, become aware of concerns that Ms Pretty had relating to the compliance review or that she was at least raising issues concerning it? Or do you remember?

Mr Nguyen: I don't remember.

Ms Cronk: Okay. That's fine. The committee has also heard, Mr Nguyen, that in March of 1994, Ms Pretty on two occasions wrote to Brian Sutherland, the MOH representative who you had met, I presume, at the December 30th meeting because you were both there, that she wrote to him on two occasions expressing concerns with respect to the Van Lang Centre, and that she also wrote to the board of directors in the latter part of March 1994 identifying, in the latter letter, issues that she wished discussed at the board level that were of concern to her.

First, were you aware of her correspondence with Brian Sutherland of the Ministry of Housing in that regard?

Mr Nguyen: I think so, yes.

Ms Cronk: Do you now recall being made aware, as a director, of the letter that she'd written to the board outlining issues that she wished to have discussed and concerns that she had about the Van Lang Centre?

Mr Nguyen: It's that she sent so many letters, I couldn't remember which one is which, you know.

Ms Cronk: All right. Would it help you at all if I suggested to you that in her letter to the board, which was dated—I'm glad to show it to you if you like—dated March 20th, 1994, she asked for a board meeting on March 29th to be held, dedicated to a discussion of what was described in her letter as the fundamental core issues of tenant access and tenant participation? Does that help at all, the idea—

Mr Nguyen: I have to look at the letter. I couldn't answer that question.

Ms Cronk: Okay. Mr Hunt, it's in exhibit 2 at tab 36. Mr Nguyen, there are a number of documents at this tab, but the first, there is an attachment. Just to count the number of pages in, it should be three pages in in your copy. It's a letter dated March 20, 1994, to the board of directors.

Mr Nguyen: Tab 36, you said?

Ms Cronk: Yes. There are a number of documents there, and you're looking for the letter dated March 20. It's exhibit 2, March 20, 1994, a letter to the board of directors.

Mr Nguyen: March 20th, you mean.

Ms Cronk: I'm sorry. What did I say? It doesn't matter if I was wrong. I mean March 20, and it is signed by Sharron Pretty, page 2. Do you remember seeing this letter before?

Mr Nguyen: I may have.

Ms Cronk: That's okay. You don't remember one way or the other?

Mr Nguyen: That's right.

Ms Cronk: That's fine. The committee has also heard that in April of 1994, Ms Pretty swore a number of informations in which she alleged infractions of the Corporations Act in a number of ways by some of the then directors of the corporation and some former directors of the corporation. You are aware that she did so, I take it?

Ms Nguyen: That's right.

Ms Cronk: And indeed one of those informations related to yourself, did it not? Or do you recall?

Mr Nguyen: I couldn't recall that. In April 1994, you said?

Ms Cronk: In April of 1994, Ms Pretty initiated charges that led to—she swore a series of informations that led to charges against six directors of the corporation including—

Mr Nguyen: I wasn't aware of that, I don't think.

Ms Cronk: You weren't aware of that?

Mr Nguyen: No.

Ms Cronk: Sorry, are you saying you weren't aware that she had done so in April or that you're not aware of the charges?

Mr Nguyen: I'm aware of the charges but I'm not too sure in April. I thought—

Ms Cronk: I see.

Mr Nguyen: Yes.

Ms Cronk: Okay. Leaving aside the timing of it, would I be correct in assuming that at some point in time you learned that charges had been initiated by Ms Pretty and that they included an information or a charge initiated by her in relation to yourself?

Mr Nguyen: Well, I was only aware of that when I saw the article in the Ottawa Sun about the charge. That's when.

2020

Ms Cronk: All right.

Mr Nguyen: Before that I wasn't aware of any charge.

Ms Cronk: Okay. And there was an article that appeared in the Ottawa Sun on June 1, 1994, under the byline of Mr James Wallace. Is it that article to which you refer, or some other?

Mr Nguyen: That's right.

Ms Cronk: That one?

Mr Nguyen: That's right, yes.

Ms Cronk: And do I understand you to be saying, then, that it was from that article that you first learned that charges had been initiated of some kind?

Mr Nguyen: That's right.

Ms Cronk: And subsequently did you receive a summons in relation to a charge relating to yourself?

Mr Nguyen: That's correct.

Ms Cronk: And do you now recall when you received that summons?

Mr Nguyen: I believe in the weekend the police came to my house and gave me that summons, but I couldn't remember exact date.

Ms Cronk: All right. Now, the Wallace article appeared, was published, on June first, and just jumping ahead for a moment, you understand, of course, that the work of this committee is concerned with what occurred at a meeting held with the Minister of Housing on June 17, 1994?

Mr Nguyen: Yes.

Ms Cronk: And did you attend that meeting?

Mr Nguyen: Yes, I did.

Ms Cronk: Before you attended that meeting, had you been served with the summons?

Mr Nguyen: That's right.

Ms Cronk: So I take it, then, that when you went into the meeting on June 17th, you knew, first from the Wallace article, that there were a number of charges, apparently, that had been initiated by Ms Pretty?

Mr Nguyen: That's right.

Ms Cronk: And you certainly knew that one of them involved yourself, because by then you had received the summons.

Mr Nguyen: That's right.

Ms Cronk: And the committee has also heard that on or about June 9, 1994, the board received, through a letter directed to Dr Tang, a letter from Bill Clement of the Ministry of Housing. Now, had you met Mr Bill Clement, or do you know him?

Mr Nguyen: Yes. I met him a couple of times, yes.

Ms Cronk: In the letter it was indicated that the Minister of Housing would be available for a meeting with all members of the board on the 17th of June. Did you become aware of that on or about the time of that letter being received by the Van Lang Centre?

Mr Nguyen: Yes.

Ms Cronk: And do you recall now how you learned of the proposed meeting with the minister?

Mr Nguyen: I believe Dr Tang called me and told me that we would meet with the minister next week, on Friday, I believe.

Ms Cronk: All right. And what did you understand had generated the meeting?

Mr Nguyen: I asked Dr Tang, "What's the meeting all about?" He said, "I don't know." So I thought we'd just meet with the minister and tell our side of the story, because Sharron Pretty and Trinh Luu told so many things about us. So I think that's the chance for us to tell the minister our story. That's basically it.

Ms Cronk: I'm sorry, I didn't hear the last part.

Mr Nguyen: That's basically it. That's all I can say.

Ms Cronk: Did you know personally at that point that concerns had been expressed by Trinh Luu about the Van Lang Centre to the minister?

Mr Nguyen: No, I did not.

Ms Cronk: So when you said a moment ago that you thought it was so that you could have an opportunity to present your side of the story with respect to concerns by Sharron Pretty and Trinh Luu, I take it at that point in time you were only aware of those by Sharron Pretty?

Mr Nguyen: No. What I mean is because Trinh Luu had written a letter before, cc the minister and ministry. So during that time we already express our desire to meet the minister and to tell her about our operation and our side of the story.

Ms Cronk: Did you know then at that point that Trinh Luu had written the minister a letter of that kind?

Mr Nguyen: No, she wrote the letter criticizing Can Le, but she cc'd two letters to the official of the Housing.

Ms Cronk: I see, and Trinh Luu did that.

Mr Nguyen: Yeah, a lot of letters like that.

Ms Cronk: I see. So as you remember events, you understood that the purpose of the meeting on June 17th was to afford an opportunity to the board to really respond to some of that or at least set out your version of events.

Mr Nguyen: That's right.

Ms Cronk: Related both to Sharron Pretty and Trinh Luu's previously expressed concerns?

Mr Nguyen: That's right.

Ms Cronk: And did you as a board get together and talk about how you were going to approach that meeting or what would be discussed at that meeting?

Mr Nguyen: Well, yes, we did have a meeting, I believe, two or three days before the meeting with the minister to discuss about the meeting with the minister, about the briefing of the minister.

Ms Cronk: All right. And was it decided at that meeting that briefing notes should be prepared for the minister?

Mr Nguyen: That's right. That's correct.

Ms Cronk: And did you participate in their preparation?

Mr Nguyen: Not quite. Dr Truong and Dr Le and Dr Tang prepared that briefing, and I would have some input in that one, but I didn't prepare that briefing.

Ms Cronk: Did you see them before the meeting? Did you see the briefing notes before the meeting?

Mr Nguyen: No.

Ms Cronk: Did you see them at the meeting?

Mr Nguyen: At the meeting with the minister?

Ms Cronk: Yes.

Mr Nguyen: Yes. That's how the briefing notes were—

Ms Cronk: If I showed—I'm sorry, I don't mean to cut you off.

Mr Nguyen: That's how the briefing notes were handed out.

Ms Cronk: At what point during the meeting were the briefing notes handed out?

Mr Nguyen: Towards the end of the meeting when people started to leave, I believe.

Ms Cronk: All right. Would you recognize the notes if I showed them to you again?

Mr Nguyen: The notes?

Ms Cronk: Yes. Would you be able to identify the briefing notes?

Mr Nguyen: Yes.

Ms Cronk: Mr Hunt, it's in exhibit 1, volume 3, at tab 80.

Are these the briefing notes, Mr Nguyen, that were provided to the minister?

Mr Nguyen: That's right.

Ms Cronk: Prior to the meeting with the minister you told me that the board got together and talked about how to approach the meeting or issues to be discussed at the meeting.

Mr Nguyen: That's right.

Ms Cronk: Was there any discussion in which you participated or of which you were aware at that time about actions to be taken or potentially to be taken in respect of Sharron Pretty as a result of the allegations reported in Mr Wallace's article?

Mr Nguyen: No.

Ms Cronk: Was there some suggestion at that time, that is, before the meeting with the minister, that she should be removed as a director?

Mr Nguyen: Well, that was decided I think a week before that.

Ms Cronk: A week—I'm sorry, I forgot my time frame. So a week before the meeting with the minister, what was decided?

Mr Nguyen: We decided to remove Sharron Pretty from the board of directors.

Ms Cronk: What caused that decision to be made?

Mr Nguyen: Many reasons, but the most recent event leading to that one was the article in the Ottawa Sun whereby she made some very serious and outrageous allegations against the board members of Van Lang Centre. That, I think, was the main factor to reinforce our decision or determination to remove Sharron Pretty from the board.

Ms Cronk: So that really triggered the decision? That was the main factor?

Mr Nguyen: I believe so, yes.

Ms Cronk: The committee has heard that by a notice dated I believe it's June the eighth, 1994, a proposed resolution was formulated by the board calling for the removal of Ms Pretty as a director and notice was provided of a board meeting to be held on June 19th for the purpose of dealing with that matter. Does that accord with your recollection of events?

Mr Nguyen: Yes.

Ms Cronk: Did you support the view that Ms Pretty should be removed as a director as a result of, at least in the main, the allegations made by her in the June first Wallace article?

Mr Nguyen: Yes, very much so.

Ms Cronk: In fact, had you expressed the view at

that time that you yourself would consider resigning if she was not removed?

Mr Nguyen: That's right.

Ms Cronk: Should I conclude from that that you felt very strongly about what it was suggested she'd said in that article, about the allegations she'd made?

Mr Nguyen: That's correct.

Ms Cronk: I also take from what you said that you regarded those allegations as—I think your word was “unfounded”?

Mr Nguyen: Yes.

Ms Cronk: You said something else about them.

Mr Nguyen: It's quite outrageous.

Ms Cronk: Outrageous?

Mr Nguyen: Yes.

Ms Cronk: All right. Did you make your views that you would resign if she was not removed known to your fellow directors?

Mr Nguyen: I remember I mentioned it to the office assistant, but I couldn't remember if I mentioned it to somebody else.

Mrs Marland: I'm sorry, was that to the office assistant?

Ms Cronk: Yes.

Mr Nguyen: Yes.

Ms Cronk: But he can't recall if he mentioned it to anyone else.

Coming next, then, to the meeting of June 17th itself, Mr Nguyen, I don't think there's any issue about the fact that it was held at the Rideau Centre in Ottawa. Is that correct?

Mr Nguyen: Yes.

Ms Cronk: It's the current information before the committee that there were nine people in attendance; that in addition to yourself, from the board of directors Dr Truong, Dr Le, Dr Tang and Sharron Pretty were in attendance?

Mr Nguyen: That's right.

Ms Cronk: The minister, obviously, was there?

Mr Nguyen: Yes.

2030

Ms Cronk: In addition, was Mr Brian Sutherland there?

Mr Nguyen: That's right.

Ms Cronk: Do you recall there being two others as well at the meeting?

Mr Nguyen: Yes.

Ms Cronk: Who were they?

Mr Nguyen: I don't know their name, but I know one was secretary of the minister because she took notes. The other one, I don't know. I know she's from the office of the ministry, but I don't know the name.

Ms Cronk: What time did the meeting commence, Mr Nguyen?

Mr Nguyen: I believe 11:30. I was a bit late, four or five minutes late, so I believe it started at 11:30.

Ms Cronk: How long did it last?

Mr Nguyen: Until close to one o'clock, I believe.

Ms Cronk: You said you were about five minutes late. Did you get there in time, before it started?

Mr Nguyen: When I came there people already sit down, but it wasn't started yet, no.

Ms Cronk: So you got there before any discussion began?

Mr Nguyen: That's right.

Ms Cronk: Did anyone leave the meeting at any point during the meeting?

Mr Nguyen: No.

Ms Cronk: Did you make any notes during the course of the meeting of what was discussed at the meeting?

Mr Nguyen: No, I didn't.

Ms Cronk: Do you recall whether anyone else did?

Mr Nguyen: Yes. I knew Sharron took some notes and Dr Le took some notes. That much I remember.

Ms Cronk: Okay. How did the meeting begin, Mr Nguyen?

Mr Nguyen: The meeting begin when the minister—I couldn't know the most exact event how it started, but I believe the minister opened remarks and then Dr Tang briefed the minister on the background of the centre. After that, Dr Truong said something, but I couldn't remember exactly what was being said.

Ms Cronk: Did the minister make any introductory remarks, remarks apart from pleasantries, and did she say anything by way of introduction that you remember?

Mr Nguyen: I could not remember anything.

Ms Cronk: Did the minister say anything at the beginning of the meeting, that you now recall, that indicated an awareness on her part of the pending proposal to remove Sharron Pretty as a director?

Mr Nguyen: I know that was mentioned but I'm not too sure whether at the beginning of the meeting, in the middle or at the end. I'm not sure about that one, but I know she mentioned about she knew about what was going on, about the removal of Sharron Pretty is pending, but I couldn't remember when she said that.

Ms Cronk: Do you recall whether there was any indication by her that she was aware of the legal action or legal proceedings initiated by Ms Pretty, or the charges initiated by Ms Pretty?

Mr Nguyen: I believe so. I believe when she mentioned about the removal of Sharron Pretty she also mentioned about probably the court case or whatever; I couldn't remember.

Ms Cronk: You don't remember?

Mr Nguyen: No, but I know those two issues were mentioned.

Ms Cronk: You know that the two issues were mentioned but you can't remember what she said?

Mr Nguyen: Yes.

Ms Cronk: Do you, though, in looking back on it, associate some remark about those two matters by the minister towards the beginning of the meeting?

Mr Nguyen: I know it was mentioned but I could not recall when was it, at the beginning, at the middle or the end of it. I could not confirm that one.

Ms Cronk: Would I be correct if I suggested to you that a variety of matters were discussed during the course of the meeting?

Mr Nguyen: That's right.

Ms Cronk: I would like to ask you about some of those. Was there, during the course of that meeting, any discussion by anyone about the prospect or possibility of Sharron Pretty dropping the charges she had initiated?

Mr Nguyen: As I mentioned to Bill the other day, I remember that a proposal was put forward with the option in there whereby the board of directors of the Van Lang Centre postponed the removal of Sharron Pretty. As I said at first, I could not remember the exact wording of whether it was removal or whatever, but I understand that the option was there that we're going to meet with Sharron Pretty to discuss that proposal or to talk about some of the issues she brought, like the tenant participation, the information or whatever.

I understand that the proposal is to meet with Sharron Pretty to resolve the differences among Sharron Pretty and the other board members. And then we agree—not agree, but there is the option, I should say the option, that perhaps the board would postpone the removal of Sharron Pretty and the court case—again, and I said to Bill I couldn't remember the exact words of what was being said, whether court would be delayed or not proceed with the charge, but I couldn't confirm that one.

Ms Cronk: And who made that proposal?

Mr Nguyen: I could not remember who put the proposal but I know the minister said about the option, "It's there."

Ms Cronk: And what was the option that the minister was referring to?

Mr Nguyen: I think I recall, if I've got it correctly, the minister said that the option's available whereby the board and Mrs Pretty will get together and try to resolve the differences between themselves.

Ms Cronk: Yes.

Mr Nguyen: That much I remember. My perception was that we would postpone the removal of Sharron Pretty, and perhaps she was going to proceed with the charge. But again, I could not remember the exact wording of what was being said and who said what. But that's my understanding.

Ms Cronk: All right. Now I must be sure that I understand. Do you recall who suggested that—was it "the" option or "one of the options" available? Was there more than one option being discussed?

Mr Nguyen: I think the option, not options.

Ms Cronk: I'm sorry, I'm just not catching that.

Mr Nguyen: I think that's the option.

Ms Cronk: One?

Mr Callahan: Singular.

Mr Nguyen: I believe so, yes.

Ms Cronk: And was the option that the board and

Sharron Pretty would try to resolve their difficulties—

Mr Nguyen: That's right.

Ms Cronk: —and would meet for that reason?

Mr Nguyen: Yes.

Ms Cronk: And was it also part of the option that was discussed that the board would postpone the removal of Sharron Pretty as a director and the court case would be delayed, dropped or not proceeded with?

Mr Nguyen: That's right. My perception is like that, but I could not remember the exact wording of what's being said.

Ms Cronk: All right. So you can't say precisely whether the words "drop the court case" were used, but your understanding was that what was being proposed as the option, identified, at least in part was that the court case would not proceed?

Mr Nguyen: That's correct.

Ms Cronk: Do you remember the minister identifying that as the option?

Mr Nguyen: Probably, yes.

Ms Cronk: Probably yes?

Mr Nguyen: Probably yes.

Ms Cronk: Do you recall that coming up once or more than once during the course of the meeting?

Mr Nguyen: I believe once.

Ms Cronk: And did the board members, any of them, respond to that suggestion?

Mr Nguyen: I believe Dr Truong asked Mrs Pretty about the date when we can meet to resolve the differences.

2040

Ms Cronk: That's Dr Truong?

Mr Nguyen: Yes.

Ms Cronk: Should I take from that that there was an indication by Dr Truong that the board members were prepared to meet?

Mr Nguyen: That's right.

Ms Cronk: Did you agree with that?

Mr Nguyen: Yes.

Ms Cronk: Did you understand the other directors to have agreed to that?

Mr Nguyen: I believe so, yes.

Ms Cronk: Did you understand Ms Pretty to have agreed to that?

Mr Nguyen: She was reluctant, I believe. She always like that anyway. I believe she had to ask for advice from somebody else. I don't know, but she said—

Mr Callahan: Sorry. I didn't hear that last part.

Ms Cronk: He believes that she had to ask advice from someone else, but he doesn't know.

Mr Nguyen: That's why she could not agree with the date right away.

Ms Cronk: Did she agree to the idea of the meeting, though?

Mr Nguyen: What do you mean, "the idea"? Can you be more specific?

Ms Cronk: Yes. Did she agree to meet? Did she agree to the idea of a meeting, as distinct from a date for the meeting?

Mr Nguyen: I would say in principle, yes, because when Dr Truong pushing for the date, she just says no, she have to check her agenda or calendar or something to that effect. But in principle, I think she agree with the meeting, but she could not find the date.

Ms Cronk: In so far as you were concerned, Mr Nguyen, was an agreement reached at that meeting on June 17th that there would be this further meeting among the board members and Sharron Pretty to try to resolve your difficulties, and that the option discussed in that connection was that the board would postpone the removal of Sharron Pretty as a director and the court case initiated by Sharron Pretty would not proceed?

Mr Nguyen: I don't call it an agreement. I only can say we try to meet with her in the near future, but we have to look at the date to resolve the differences or to address issues she's concerned with.

Ms Cronk: In so far as you're concerned, Mr Nguyen, at the meeting was it agreed, and I don't mean by that in writing or anything, but as far as you were concerned, was there a meeting of the minds around that table that the board would not proceed to remove Sharron Pretty as a director and the court case initiated by Ms Pretty would not proceed at that time?

Mr Nguyen: Not quite, because we agree to meet first. Without meeting, that cannot be resolved, I don't think.

Ms Cronk: And there was no agreement as to a specific date for that meeting, is that correct?

Mr Nguyen: No, that's right.

Ms Cronk: But the board meeting, when the removal of Sharron Pretty was going to be discussed, was scheduled for two days later, on the 19th.

Mr Nguyen: That's right.

Ms Cronk: What did you understand, based on the discussion around the table, was going to happen about that meeting?

Mr Nguyen: I remember right after the meeting, I got hold of Dr Tang or Dr Truong and said, was the meeting on Sunday still on schedule? He said yes. So I believe that the meeting on Sunday was still on.

Ms Cronk: Did you have any understanding based on the discussion around the table and your discussion with the other directors at the June 17th meeting as to whether or not there was an intention to proceed with the resolution to remove her as a director?

Mr Nguyen: I'm not too sure about that. I knew the meeting was still on, but I don't think we confirm that the meeting still on to remove Sharron Pretty or not. I could not confirm that one. But I knew at that time that the meeting was still on for that Sunday.

Ms Cronk: In your mind, based on the discussion that occurred at the June 17th meeting, was the idea of this further meeting between the directors and Sharron Pretty to try to resolve things connected with the option identified of the board not proceeding with the removal of

Sharron Pretty and the Pretty court case not proceeding?

Mr Nguyen: That's my understanding, yes.

Ms Cronk: That being the case, would you agree with me, Mr Nguyen, that had the meeting proceeded on the 19th, on the Sunday, and had Sharron Pretty been removed as a director, that concept of how matters were to go forward would have been frustrated?

Mr Nguyen: Could you put the question again?

Ms Cronk: Yes. That being the understanding that you had, would you agree with me that if the board meeting on Sunday the 19th proceeded, if it went ahead and at that meeting Sharron Pretty was removed as a director—because of course the meeting could have gone ahead without her removal.

Mr Nguyen: That's right.

Ms Cronk: That's one scenario. Another scenario is, the meeting goes ahead on Sunday and she's removed. What I'm suggesting to you and inviting your comment on is that had that occurred, the proposal discussed at the June 17th meeting as to how things were to go forward in the future could not have come to pass.

Mr Nguyen: That's right.

Ms Cronk: Because one of the underpinnings of it, based on what I think you're telling the committee, would have been removed.

Mr Nguyen: That's right.

Ms Cronk: That's a fair way to put it?

Mr Nguyen: That's right.

Ms Cronk: When you left that meeting, based on the discussion around the table, what was your understanding as to what was going to happen with those charges that had been initiated by Sharron Pretty?

Mr Nguyen: Could you phrase the question again?

Ms Cronk: Yes. When you left the meeting, based on what had occurred around the table, what was your understanding as to what was going to happen with those charges initiated by Sharron Pretty?

Mr Nguyen: I believed she would still proceed with her charge.

Ms Cronk: Was that subject to what might or might not occur at this further meeting among the parties, among you all?

Mr Nguyen: That's right, that's correct.

Ms Cronk: Now, it's been suggested in some evidence that the committee has heard that the suggestion of Ms Pretty dropping the charges or not proceeding with the charges or the case was made a number of times at the June 17th meeting, more specifically that the minister suggested to Sharron Pretty several times that she either drop the charges or reconsider the charges. Do you recall those suggestions being made by the minister to Sharron Pretty?

Mr Nguyen: No. No, I don't.

Ms Cronk: When you say that, do you mean that you don't recall the minister using language of that kind?

Mr Nguyen: All I remember, as I said before, and I say it again, is that the option was put forward, but I don't remember specifically about what was being said or

encourage her to drop the charge. I know that option was put forward.

Ms Cronk: Who put that option forward?

Mr Nguyen: I believe the minister mention about the option.

Ms Cronk: Did she mention that option more than once?

Mr Nguyen: I don't think so.

Ms Cronk: You don't think so. Once it had been mentioned once, was it picked up by others around the table and repeated? What I'm saying to you is, was it discussed more than once, once it got identified as an option?

Mr Nguyen: Probably. All I remember is Sharron said, "It is in the hand of the crown" or something to that effect.

Ms Cronk: Who did she say that to?

Mr Nguyen: She said it to all the people, I guess.

Ms Cronk: What was in the hands of the crown? What did you understand her to be referring to?

Mr Nguyen: She referring to the charge, I believe.

Ms Cronk: All right. Was there any response by anyone made to that remark?

Mr Nguyen: I believe minister say something, but I couldn't remember exact wording. But I believe what was said is something about, "If you're satisfied with" whatever. No, I couldn't remember exact wording of that.

Mr Murphy: I didn't hear that.

Ms Cronk: He can't remember the exact wording. Could you just repeat what you said, Mr Nguyen?

Mr Nguyen: Yes. I said I couldn't remember the exact wording of what's being said.

Ms Cronk: Did the minister make some response, though?

The Chair: Let him answer, and then Mr Harnick.

Mr Nguyen: Respond to what Sharron said?

Ms Cronk: Yes, did she make some response? I recognize that you said you can't remember what it was, but did she make some response?

Mr Nguyen: I believe she did make some response, in a very general way, but I could not remember exact words.

2050

Ms Cronk: Mr Harnick, could I ask you to hold your question, sir, for a few moments, if you don't mind. Thank you.

Could I ask the witness to be shown exhibit 1, volume 1, please. Mr Nguyen, I'm going to ask you to look at a newspaper article with me. It's at tab 7, and if you'll just give me a moment, I'd like to make sure I get the right one there for you. There are a number we could look at, but why don't we look at page 52, which is in my book an article by Dave Rider of the Ottawa Sun. It's entitled, "Gigantes Accused of Court Conflict." Do you have that one?

Mr Nguyen: Yes.

Ms Cronk: It's 52 in my book, in the top right-hand

corner; tab 7, page 52. If you look to the fifth paragraph down, Mr Nguyen, it says, "Pretty said Gigantes attempted to defuse the situation by suggesting she ask the crown to drop the charges in exchange for the other directors not following through on a threat to kick her off the board."

Stopping there for a moment, is that what happened at the meeting?

Mr Nguyen: I don't believe so, no.

Ms Cronk: What is it about that that you think is incorrect?

Mr Nguyen: What I believe is incorrect is that what you said is suggesting she ask the crown to drop the charge. I don't think that is correct.

Ms Cronk: So should I take from that that no one at the meeting, particularly the minister—because that's what this paragraph is suggesting, that the minister said it. It's your memory of the meeting that the minister did not suggest that Ms Pretty ask the crown to drop the charges?

Mr Nguyen: That's correct.

Ms Cronk: Did she, however, ask Ms Pretty to consider herself withdrawing the charges or not proceeding with them?

Mr Nguyen: I couldn't remember that either.

Ms Cronk: Was that not part of the option that you've described?

Mr Nguyen: I said the option is not to remove her, but as I said before, I could not remember exact wording of what is being said. But to my understanding, the option was there.

Ms Cronk: So it was your understanding that was the option that was placed on the table.

Mr Nguyen: That's right.

Ms Cronk: And then the next paragraph reads, "On two or three occasions, (Gigantes) said, 'Let's deal with this without going through the courts.'" Stopping there, did Ms Gigantes say that?

Mr Nguyen: I can't remember that. I don't remember that.

Ms Cronk: When you say you don't remember that, are you saying it didn't happen, or are you saying, "I don't remember one way or the other"?

Mr Nguyen: I don't remember one way or the other.

Ms Cronk: Does this help your memory? Please tell me if it does or it doesn't. Did the minister say, "Can this be resolved without legal proceedings?"

Mr Nguyen: Again, I don't remember one way or the other.

Ms Cronk: Did the minister say, "Can these things be resolved without legal proceedings and removal of directors?"

Mr Nguyen: Again, I could not recall that, no.

Ms Cronk: One way or the other?

Mr Nguyen: That's right.

Ms Cronk: So I take it you're not saying that she didn't say that, but simply you don't remember.

Mr Nguyen: That's right.

Ms Cronk: Carrying on with this article, Ms Gigantes is then asked, I take it by the reporter, to comment on that in some fashion, and she says, "Gigantes said yesterday she only laid options on the table and did not pressure either side to take any action."

And then there's a quote attributed to the minister and it says, "I said (talking to the crown) is a possibility and I presume it is, but I don't know," she said." Did the minister say that at the meeting?

Mr Nguyen: Probably that in response to what Sharron mentioned, as I said before, the mention about dropping the charges in the hand of the crown. Probably that is what was her answer. Probably that was her answer to that step, the last step.

Ms Cronk: Do you remember that clearly, or at this point are you reconstructing about that?

Mr Nguyen: Not quite clearly, but vividly.

Mr Callahan: I'm sorry. I didn't hear that.

Ms Cronk: Not quite clearly, but vividly?

Mr Nguyen: Yes.

Ms Cronk: Should I understand from that you're saying to the committee that the minister did say that, or you think it's probable that she said it?

Mr Nguyen: It probable she said that. I cannot be 100% sure that she said that. Put it that way.

Mr Callahan: What percentage can he be sure?

Ms Cronk: The night's not over, Mr Callahan. Can I just complete this, sir? Thank you. That's unfair of me. I didn't mean that the way that it sounded.

Mr Callahan: That's all right. No problem.

Ms Cronk: Can you describe your level of certainty with respect to that remark? How certain are you that the minister said that?

Mr Nguyen: Fifty-fifty. Is that okay?

Ms Cronk: Fifty-fifty. I don't want to take you through all of these articles, because there is a large number of them, but could I ask you to look at one from the Windsor Star dated June 21, 1994, entitled, "Gigantes' actions to be reviewed." That's in my book at page 49: same tab, page 49. Do you have that, sir?

Mr Nguyen: Yeah.

Ms Cronk: In the middle column at the bottom there's a discussion of what the Premier said about this issue, and then over in the top right-hand column it seems that outside the Legislature, comments from Ms Gigantes were obtained, and it is suggested there—this quote is attributed to her: "I suggested if that were possible, perhaps the board would be willing to back off and think again about an action which they had proposed to bring forward...to have her removed, and it might be it would not be necessary for some other actions to proceed on her side."

Stopping there, do you remember the minister saying that or words to that effect?

Mr Nguyen: To that effect, but I could not remember exact words. But to that effect, yes.

Ms Cronk: When you say that an option was ident-

ified, as you've described it, and you've explained what you understood the option involved, is this the description of the option, or was this also said?

Mr Nguyen: To me, this one is an option by itself.

Ms Cronk: This is an option by itself?

Mr Nguyen: Yes.

Ms Cronk: Is this what was said on the issue at the meeting, or was this also said about the option? Do you understand the distinction I'm making?

Mr Nguyen: Yeah. I think the word "option" also mentioned together with this one.

Ms Cronk: I'm sorry. I didn't catch that, Mr Nguyen.

Mr Nguyen: I think the word "option" was also mentioned.

Ms Cronk: What I'm trying to understand—and forgive me; I think it's me. You've explained to the committee the proposal that was discussed, the option, and you said you thought it was an option, the option that was discussed.

Mr Nguyen: That's right, yes.

Ms Cronk: And you've explained to the committee what your understanding was of what the option was.

Mr Nguyen: That's right.

Ms Cronk: And in describing that to the committee, you indicated that you understood it to be that there would be a further meeting where the parties would come together to try to resolve their differences, and that part of the option that carried with that was that the board would postpone the removal of Sharron Pretty and the court case initiated by Sharron Pretty would be delayed or not proceeded with, but you weren't sure of the exact language. Have I got that right?

Mr Nguyen: Yes.

Ms Cronk: Okay. What I'm saying to you now is that this is a quote attributed to the minister about what she says she said at the meeting. Do you remember her saying this? That's the first question.

Mr Nguyen: As I said, I could not remember one way or the other.

Ms Cronk: Okay.

Mr Nguyen: I know the option is put forward but, like I said, I couldn't remember exact wording of that option or what's being said, who said what.

Ms Cronk: Looking at this language now, does that language capture the option that was described at the meeting?

Mr Nguyen: That's right. It sounds like, yes.

2100

Ms Cronk: The reason I ask you that is because some people might interpret the language in this quote in the press article as suggesting a possibility that the board would be willing to back off and think again about an action which they had proposed to bring forward to have her removed as a director, but there's no identification, there's no indication of any action to be taken or not to be taken by Ms Pretty. Do you see what I'm saying?

Mr Nguyen: Yes.

Ms Cronk: All right. And that, I suggest, at least to me, and I ask you to comment on it, is different than what I understood you to be saying before.

Mr Nguyen: Well, what I—what I interpret from this one is that it—maybe it would not be necessary for some other action to proceed on her side. That I interpret as the court case not to proceed, or whatever.

Ms Cronk: I see. So, to be fair, Mr Nguyen, and—excuse me for a moment, sir. To be fair to you, Mr Nguyen, are you saying to the committee that there was discussion of an option at the meeting, that it was at the June 17th meeting, that it was tied to a further meeting among the parties?

Mr Nguyen: I don't think there was discussion. The option was put forward, but I don't remember that discussion of that option.

Ms Cronk: Okay. There was an option identified?

Mr Nguyen: That's right.

Ms Cronk: All right. Now, there seems to be—different people have a different understanding about the word "discussion," but an option's identified, it's articulated, it's on the table.

Mr Nguyen: That's right.

Ms Cronk: Okay?

Mr Nguyen: Mm-hmm.

Ms Cronk: And that option is tied to a further meeting among the directors and Ms Pretty?

Mr Nguyen: That's right.

Ms Cronk: And did you clearly understand from the words that were used at the table, whatever the precise language was, because none of us were there and you were—we can't go back; none of us ever get there—whatever the precise words were, did you understand that the option was that the board would defer or postpone the removal of Sharron Pretty and the court case would be delayed or not proceeded with?

Mr Nguyen: That's right.

Ms Cronk: That was your understanding of it.

Mr Nguyen: Yes.

Ms Cronk: All right. Was there any discussion, beyond what you've already told me, about a crown attorney, the crown or a prosecutor at that meeting, June 17th meeting?

Mr Nguyen: No. No, I don't.

Ms Cronk: And just so that I'm clear about the aspect of a suggested agreement, in so far as you are concerned, when you left that meeting, I understand you to have said that there was no agreement that the board would withdraw or postpone the removal of Sharron Pretty—

Mr Nguyen: That's right.

Ms Cronk: —and Ms Pretty would refrain or her court case wouldn't go forward, but that was the option on the table.

Mr Nguyen: That's right.

Ms Cronk: But there was no agreement that that should occur.

Mr Nguyen: That's right.

Ms Cronk: But there was an agreement for a further meeting?

Mr Nguyen: That's right.

Ms Cronk: No specified date was agreed upon.

Mr Nguyen: That's correct.

Ms Cronk: The directors at the table, other than Ms Pretty, signified, either in what Dr Truong said or in the case of the others by, I take it, their silence, that they were prepared to meet.

Mr Nguyen: Yes, that's right.

Ms Cronk: Did Ms Pretty say anything about that?

Mr Nguyen: No, she just cannot have the date, that's all.

Ms Cronk: All right. It has also been suggested in evidence that the committee has heard, and elsewhere by Ms Pretty, that she was pressured at that meeting and that it was said to her a number of times that she should drop her charges or reconsider or consider dropping her charges. Based on what you observed at the meeting and everything that was said at the meeting, did you perceive that Ms Pretty was being subjected to pressure at that meeting?

Mr Nguyen: I don't think so, no.

Ms Cronk: Did the minister say during the course of the meeting, either to Ms Pretty or to the group as a whole, that you were not to feel pressured and were to take your time before deciding?

Mr Nguyen: Yes, I believe the minister said something like, "You don't have to answer me now, you can answer later," or to that effect, but I don't think the minister pressured her to give answer right away.

Ms Cronk: I just want to be careful about the language here. As you remember it, was the minister saying, "You don't have to answer me now," which is—

Mr Nguyen: "You don't have to answer it now," but not "me." I don't remember exact wording.

Ms Cronk: I just thought we'd better—

Mr Nguyen: Yeah.

Ms Cronk: Yeah. So was that a comment directed, as you recall it, to Ms Pretty or to the directors as a group?

Mr Nguyen: You mean that question?

Ms Cronk: Yes, that you shouldn't feel pressured; that you don't have to agree now; take your time.

Mr Nguyen: That to Miss Pretty.

Ms Cronk: And was that said by the minister?

Mr Nguyen: Yes.

Ms Cronk: On one occasion or more than one occasion?

Mr Nguyen: I believe maybe a couple of occasions.

Ms Cronk: And was that in relation to any particular matter?

Mr Nguyen: The one in relation to the option, and the other one in relation to something else, but I could not remember what it was. Probably on, I believe, on one occasion when Ms Pretty mentioned about the superintendent has too much power and then the question was

put forward to her, "What power does he have?" or something to that effect, and then the minister said, "You don't have to answer the question now," for example—

Ms Cronk: I'm sorry, I didn't meant to cut you off.

Mr Nguyen: I think for that occasion also.

Ms Cronk: And was it said also in the context of agreeing to a date for the further meeting?

Mr Nguyen: That's right, yes.

Ms Cronk: So that's at least two and possibly three occasions when you remember it being said?

Mr Nguyen: That's right.

Ms Cronk: The first in relation to the option?

Mr Nguyen: Yes.

Ms Cronk: The second in relation to a specific date for the proposed further meeting?

Mr Nguyen: That's right.

Ms Cronk: And the third in relation to the discussion—possibly in relation to the discussion about the superintendent that you've just described.

Mr Nguyen: That's right.

Ms Cronk: Did you, as the meeting unfolded, Mr Nguyen, have any sense of tension in the room?

Mr Nguyen: I don't think so. I don't think that everybody—I don't think there was any tension in there.

Ms Cronk: You didn't feel that yourself?

Mr Nguyen: No, no.

Ms Cronk: And didn't observe it in others?

Mr Nguyen: I know that Ms Pretty a bit nervous, but I wasn't aware with the tension in the room, no.

Ms Cronk: She seemed a bit nervous?

Mr Nguyen: Yes.

Ms Cronk: Did she, at any point during the course of the meeting, say or do anything that led you to conclude that she was feeling under some pressure?

Mr Nguyen: No, I don't think so.

Ms Cronk: Did she, at some point during the course of the meeting, remark to Dr Truong that he was speaking or behaving towards her in a way she didn't like or that was inappropriate?

Mr Nguyen: Probably on one occasion and for what Dr Truong said, she was a bit upset, I believe.

Ms Cronk: Yes, and was that towards the beginning or the end of the meeting?

Mr Nguyen: I think at beginning of the meeting, yes.

Ms Cronk: At the beginning of the meeting?

Mr Nguyen: Yes.

Ms Cronk: And at what point during the course of the meeting was this discussion of the option and the further meeting identified?

Mr Nguyen: I believe towards the end, but I'm not too sure.

Ms Cronk: Can you approximate for me how much before the end of the meeting the discussion began?

Mr Nguyen: Probably in the last half-hour, but again, I couldn't confirm that.

Ms Cronk: You're not sure?

Mr Nguyen: Yes.

Ms Cronk: Okay. Did the discussion take very long?

Mr Nguyen: About 10 minutes, five minutes maybe. I'm not too sure.

Ms Cronk: About five or 10 minutes, you're not too sure?

Mr Nguyen: Yes.

Ms Cronk: It's been suggested by one witness before the committee that this topic came up about 45 minutes into the meeting and consumed the discussion time for the balance of the meeting. Was that your recollection?

Mr Nguyen: You mean the option we discussed for 45 minutes?

Ms Cronk: Yes.

Mr Nguyen: I could not remember that one or not.

Ms Cronk: Are you saying you—

Mr Nguyen: I could not remember that.

Ms Cronk: You don't remember it that way?

Mr Nguyen: No.

Ms Cronk: All right.

Mr Callahan: I think I heard you say that the option took place, I thought, during the first 45 minutes. I think that's where the—he may have misunderstood the question.

Ms Cronk: Let me put it again, Mr Callahan. So that we're clear, Mr Nguyen, I want to make sure that I state the evidence to you accurately. One witness before the committee has said that about 45 minutes into the meeting—that is, after 45 minutes—

Mr Nguyen: Oh, I see, yes.

Ms Cronk: —had been consumed with other things—

Mr Nguyen: Oh, I see.

Ms Cronk: —the discussion of the option commenced, or the kind of option that you're describing, and that it then consumed or it took the balance of the meeting, that that was really under discussion for perhaps as much as 45 minutes. Is that your memory of the meeting?

Mr Nguyen: I may agree with the first section, that after 45—I mean, the discussion after 45 minutes after the start of the meeting, but how long would it take I could not—I don't remember.

Ms Cronk: All right.

Mr Nguyen: I don't remember how long it took to discuss that option.

2110

Ms Cronk: Well, was it discussed right—whenever it began, did it then consume the balance of the meeting, or did the meeting progress on to other topics?

Mr Nguyen: Because right after the option was put, after that we're talking about the next meeting. Dr Truong asked Mrs Pretty about the date and that's—it would be about five or 10 minutes we discussed about that date right there.

Ms Cronk: Yes.

Mr Nguyen: So that if you consider that as a part of the option, then you're probably right, but—

Ms Cronk: Right. Did the meeting then conclude after possible dates were discussed?

Mr Nguyen: Again, I don't remember that.

Ms Cronk: Okay. What was the mood of the meeting at its conclusion? Do you recall?

Mr Nguyen: I can only speak for myself.

Ms Cronk: What was—how did you feel about how it had gone?

Mr Nguyen: I feel good after that.

Ms Cronk: Why did you feel good?

Mr Nguyen: Because I thought the minister now know our side of the story, because she have our briefing note and we present to her our case. I was happy for that.

Ms Cronk: Was it your assessment of what occurred at the meeting in so far as the minister is concerned that she was attempting to mediate the differences between the board and Ms Pretty?

Mr Nguyen: Yes, I agree with that.

Ms Cronk: Did she attempt to create an atmosphere of conciliation in so far as you are concerned?

Mr Nguyen: Yes, I agree.

Ms Cronk: Was that true throughout the meeting?

Mr Nguyen: Yes.

Ms Cronk: Did there come at any time in the meeting a point when you felt that she was really urging you as a—I don't mean you personally, but the board and Ms Pretty to come to terms with this and to accept the option?

Mr Nguyen: No, because agreed that we—I should not have said, "We agree," but we would meet in the next, another meeting to resolve the differences.

Ms Cronk: Thank you. Excuse me. Do you recall at the end of the meeting before it broke up, Mr Nguyen, in the context of the discussion about the further meeting, yourself addressing any remark to Ms Pretty?

Mr Nguyen: Yes, I remember what I said. Again, not exactly word for word, but what I said was that two outstanding issues still has to be resolved, one being the removal of Sharron Pretty and the other one was the court case. But, again, I could not remember exactly what I said, but to that effect. I just—that's it.

Ms Cronk: To whom did you say that?

Mr Nguyen: I said it in general to all the people.

Ms Cronk: To the room?

Mr Nguyen: Yes.

Ms Cronk: Did you at any point address Ms Pretty and say that you were interested in a yes or no answer from her concerning her intentions with respect to the court case?

Mr Nguyen: No, I did not.

Ms Cronk: Did you ever look at her or, without looking at her, address a remark in her direction that you wished her response to that part of the option?

Mr Nguyen: No, never.

Ms Cronk: As I'm obliged to say to you, Mr Nguyen, in fairness to you, that she has given that evidence before the committee, so are you saying that that did not occur?

Mr Nguyen: That did not occur.

Ms Cronk: Did you in fact say anything to her about any aspect of the option?

Mr Nguyen: No, that's the only thing I said, which I just said. That's the only thing I said.

Ms Cronk: Let me be sure I understand it: I understood you to say that you said at the end of the meeting that there were two—

Mr Nguyen: Outstanding issues.

Ms Cronk: Outstanding issues?

Mr Nguyen: Which need to be resolved.

Ms Cronk: Which need to be resolved.

Mr Nguyen: The removal of Sharron Pretty.

Ms Cronk: Yes.

Mr Nguyen: And the court case.

Ms Cronk: And did you understand that that was going to occur, that that was an option that was to be taken up at this further meeting?

Mr Nguyen: That's right. That's what I understand.

Ms Cronk: At the conclusion of the meeting, did you have any private discussion yourself either with Sharron Pretty or the minister?

Mr Nguyen: No.

Ms Cronk: Did you join your fellow directors for lunch?

Mr Nguyen: Yes, briefly, a quick sandwich, yes.

Ms Cronk: Did you talk about what had happened at the meeting and how it had gone with the minister?

Mr Nguyen: I remember we—I just asked them if—as mentioned, I asked them if the meeting on Sunday was still on, and his answer was yes.

Ms Cronk: Did you have any discussion over the course of lunch as to what was going to happen at the meeting on Sunday?

Mr Nguyen: Probably briefly, but I'm not—I don't know exactly, but probably I imagine we would still proceed with the meeting on Monday—on a Sunday—and they said, "Yes, we still proceed with that one."

Ms Cronk: Well, did you go to a meeting on Sunday of the board?

Mr Nguyen: No, I believe on Saturday night—I could not remember who called me—Dr Tang or Dr Le called me and said the meeting on Monday was cancelled because a reporter of the news would be there. So we don't want to talk to the reporter, I guess.

Ms Cronk: Did you just say "the meeting on Monday" or "the meeting on Sunday"?

Mr Nguyen: On Sunday.

Ms Cronk: On Sunday.

Mr Nguyen: Yes.

Ms Cronk: So you got a call and it was either Dr Tang or someone else and you were told it was off because a reporter was going to be there.

Mr Nguyen: That's right.

Ms Cronk: So did you go or did you—

Mr Nguyen: No, I didn't go there.

Ms Cronk: Okay. Do you, looking back on that June 17th meeting, Mr Nguyen, recall any discussion about a deal or the use of the word "deal"?

Mr Nguyen: No, I never recall that word.

Ms Cronk: All right, when you say you don't recall, are you saying that that didn't happen or you don't—

Mr Nguyen: That didn't happen. I never heard that term "deal" before.

Ms Cronk: Okay. Just finally, Mr Nguyen, and this is my last question, could I ask you to look at, again, exhibit 1. I think it's tab 4, volume 1. Sorry, it's tab 6; I apologize. You'll see that they're numbered in the top right-hand corner.

Could you look at page 14, please. Without reading any portion of this out—I'm not asking you to do that—is this the information that concerns you?

Mr Nguyen: That's right.

Ms Cronk: Was a copy of this served upon you with a summons?

Mr Nguyen: Yes, that's correct.

Ms Cronk: All right, and there's an address in it. I don't want you to indicate what the address is, but can you confirm whether that is your address?

Mr Nguyen: That's right.

Ms Cronk: Do you know what riding you live in?

Mr Nguyen: Yes.

Ms Cronk: What provincial political riding is it?

Mr Nguyen: I believe Liberal—no, Mrs Gigantes.

Ms Cronk: Ms Gigantes's riding?

Mr Nguyen: Probably, yes.

Ms Cronk: Was that the case in June of this year?

Mr Nguyen: Yes.

Ms Cronk: Thank you, sir. Those are my questions.

Mr Paul Johnson: Mr Nguyen, I would just like to revisit just some of the questions that legal counsel has just asked you, and she's asked you very many. I know that you did keep no notes of this meeting of June the 17th, 1994. Is that correct?

Mr Nguyen: I didn't take any notes.

Mr Paul Johnson: So all of the statements that you've made today are entirely from your best recollection or memory of events that occurred at the meeting on that day. Is that correct?

Mr Nguyen: That's correct.

Mr Paul Johnson: I will say that legal counsel did show to you some text that has references to the meeting, but other than that, everything that you've spoken about has been from your memory. Is that right?

Mr Nguyen: That's right.

Mr Paul Johnson: In the context of the minister's comments, and I don't care to get into the minister's comments per se, but in the context of the minister's comments, would you say that the minister was very

conciliatory and in that respect she took no sides, she was neither on the side of one interest or the other and that she left you with the impression that she was there to mediate a difficult situation?

Mr Nguyen: That's correct. That's my impression, yes.

Mr Paul Johnson: Also in the context of the minister's comments, would you say that she was not particularly angry, she was relaxed, she was in a favourable mood and indeed she didn't try to pressure anyone into making any decisions with regard to anything at the meeting of June the 17th?

Mr Nguyen: That's right; that's correct.

2120

Mr Paul Johnson: Now, with regard to your recollection of the meeting on that day, you left that meeting with the understanding that one thing for certain that you would agree to—and you will of course confirm this, yes or no—was that the minister had suggested that a following meeting would be in order for the board members, all the board members, to get together to once again discuss the issues that had not been resolved at this meeting on June the 17th? Was that your understanding of what was to happen next?

Mr Nguyen: Yes. That's right.

Mr Paul Johnson: So as a result of the meeting of June the 17th, would you agree that the purpose of the minister meeting with the board members, all the board members, and that includes of course Sharron Pretty because she at that time was a board member, was to bring what appeared to be a difficult situation together in order to resolve some problems? Would you agree that was an important part of that meeting?

Mr Nguyen: Yes, I do. Yeah.

Mr Paul Johnson: Now, one thing that I just wanted to make clear in my mind, and I'm sure all the other committee members are interested, is, again, the time of the meeting when it was discussed, when those comments that the minister made that everybody seems so keen to understand to be factually correct. I know there are some differences of what those comments were, so I don't want to get into those, but with regard to the time in the meeting that that notion or that idea was raised, I understand that you're not entirely clear—I've given the questions as they were posed to you by legal counsel—at what point that was. Correct me if I'm wrong, but one thing I thought I heard you say was that this didn't go on any longer than five or 10 minutes. Is that right?

Mr Nguyen: I believe the option, yes—

Mr Paul Johnson: To the best—

Mr Nguyen: To the best of my knowledge, yes. The option—

Mr Paul Johnson: The option: That's the word, the operative word, "option."

Mr Callahan: I don't think, to be fair—Mr Chair, that was not what was said in evidence.

Mr William Hourigan: To be fair, I don't think that's what was said either, and also, the witness also indicated that there was also a discussion about timing for

a meeting and all of that and said that, when it's added to the other time, reached a time that was closer to the estimate that was provided to him. So I don't think that was exactly what the evidence said.

Mr Paul Johnson: I stand corrected. I must say—and I will check the Hansard, of course—I thought I heard him say that it was about five to 10 minutes.

Mr Hourigan: I think that was corrected subsequently, Mr Johnson.

Mr Paul Johnson: Okay. Very good. I will defer.

Mr Sutherland: Thank you. Mr Nguyen, you have stated that you believe the minister put an option on the table, but you've also said that she never used words like "drop the charges" or to that effect. I guess the question—

Mr Hourigan: Sorry, Mr Chair, if I can just interject again, that was not his evidence. He said he couldn't recall one way or the other whether those terms were used.

Mr Sutherland: Okay. So he couldn't recall one way or the other. I guess I want to just pursue this a bit then. What is it that makes you think the minister put an option on the table?

Mr Nguyen: I believe the reason she put an option on the table is to somehow mediate the dispute between Sharron Pretty and the rest of the board members.

Mr Sutherland: Okay. Let me try and be a little clearer then. What is it that makes you think that the minister put the option on the table that in exchange for the board not removing Sharron Pretty as the director, Sharron would drop the charges?

Mr Nguyen: Could you phrase the question again?

Mr Sutherland: Sure. I guess what I want to know is, what is it, from—you've stated that the minister put an option on the table, and you kind of further stated that you thought the option the minister put on the table was that in exchange for the board not removing Sharron Pretty as a director at the already scheduled meeting for Sunday the 19th, Sharron would drop the charges. I guess what I'd like to know is, what was it that left you with that impression that that was the option the minister put on the table?

Mr Nguyen: Well, as I said, the option was put forward but I don't remember the exact wording of what was being said.

Mr Sutherland: Okay, so what you're saying is, then, you don't remember the exact wording the minister used.

Mr Nguyen: That's right.

Mr Sutherland: Okay.

Mr Nguyen: But I understand the option to that effect here.

Mr Sutherland: Okay, so is it possible—

Mr Callahan: Just a second. He was finishing his answer.

Mr Sutherland: Okay, go ahead. Sorry.

Mr Nguyen: I said that I understand the option to that effect.

Mr Sutherland: Okay. Given the fact that you don't

remember the exact wording, then, is it fair to assume that possibly the minister did not put such an option on the table but that it was just your interpretation or assumption?

Mr Nguyen: That's my understanding, but I cannot answer that question.

Mr Sutherland: Okay. Let me continue here. Last night during testimony, Dr Tang told us that he thought the minister had offered a deal but when looking back at it said that he had simply assumed that's what the minister had meant. Just to reiterate, then, isn't it true that it is not clear to you what the minister said and what her exact words were?

Mr Nguyen: That's right.

Mr Sutherland: Okay. So it's quite possible that you may have the same interpretation as Dr Tang?

Mr Nguyen: That's probably correct, but that's my interpretation.

Mr Sutherland: Okay. Let me just pursue one other question too. You have said that at the meeting on the 17th, again, that the minister had put this option on the table, in effect, in exchange for Sharron agreeing to drop the charges the board would agree to drop its effort to remove Sharron as a director, yet you also believe that the meeting on the 19th was still on. It would seem that both couldn't exist. If the minister had put that option on the table and the board said it would not remove Sharron as a director in exchange for her dropping the charges, then—

Mr Nguyen: We did not agree with that one.

Mr Sutherland: What's that?

Mr Nguyen: We did not agree like that, I don't think.

Mr Sutherland: I'm sorry, I didn't—

Mr Nguyen: We did not agree not to remove Sharron Pretty; we agreed to the next meeting.

Mr Sutherland: Okay. I guess my question is that it would seem to me that the meeting on the 19th would not be occurring, then.

Mr Nguyen: No, it was still on, I understood. I just knew the meeting wasn't on on Saturday, the day before the meeting.

Mr Sutherland: Okay, so even though you have stated that you believe the minister put this option on the table, that in exchange for Sharron agreeing to drop the charges the board would agree to drop its attempt to remove Sharron as a director on the 19th, you left the meeting on June 17th believing the meeting on the 19th was still on?

Mr Nguyen: That's right.

Mr Sutherland: Okay. That's it for me.

Mrs Irene Mathysen (Middlesex): Just very quickly, did the minister ask Sharron Pretty to drop the charges?

Mr Nguyen: No, I don't think so.

Mrs Mathysen: Did the minister ask the board not to drop Sharron Pretty?

Mr Nguyen: No, she did not.

Mrs Mathysen: Is that why at the end of the meet-

ing you said there are still two outstanding issues that have not been resolved, one, the removal of Sharron Pretty and the removal of the charges, because that had not been discussed?

Mr Nguyen: That's correct.

2130

Mr Callahan: That's not correct.

Interjections.

Ms Cronk: All right. He didn't say it wasn't discussed. He said it wasn't resolved. The way you put the last question was, that wasn't discussed.

Ms Mathysen: Okay. I asked if the minister asked that Sharron Pretty drop the charges and he said no, so she didn't ask it. I wanted to be clear on that.

Mr Owens: Just one quick question. Would it be fair to say that because you are one of the individuals who was charged and going to court and involved in a legal proceeding at some time to be determined, it was your hope that the charges would be dropped as a result of the resolution of the two core issues? Would that be fair to say, that it was your hope?

Mr Nguyen: I myself don't believe that the charge would be dropped. I don't think Sharron Pretty would do that, myself.

Mr Owens: I guess my question is, in terms of formulating the somewhat interesting conclusions that you've come to with respect to this meeting: Is it not fair to say that because you are charged and are to appear in court, it is your hope or it was your hope, at the end of that meeting and at some future date, with the resolution of the two core issues, that those charges would be dropped that had nothing to do with anything that took place at the meeting? Would that be fair to say?

Mr Nguyen: Not quite. No.

Mr Owens: Not quite?

Mr Nguyen: Mm-hmm.

Mr Owens: Is that yes or is that no?

Mr Nguyen: No.

Mr Chiarelli: Mr Nguyen, again several questions about the June 17th meeting at which Minister Gigantes was present. I believe you said towards the end of the meeting your evidence was that you brought up the question of outstanding issues and you mentioned one of the outstanding issues as being the court case. I believe your testimony was earlier that Sharron Pretty said something like, "The matter is in the hands of the crown attorney." She used the words "crown attorney." I believe you recounted Sharron Pretty saying words like that.

I want to ask you, with respect to those two statements, which were made in the presence of the minister: Did anyone say to you or suggest to you or to Sharron Pretty that, "These matters should not be discussed," or, "We can't talk about the crown attorney," or, "We can't talk about the court case"? Was there any comment made about whether Sharron should have mentioned the crown attorney or whether you should have mentioned the court case?

Mr Nguyen: I don't think so.

Mr Chiarelli: Thank you.

Mr Callahan: Just very briefly: It must be an awesome experience to be in the presence of a minister. Would that be right?

Mr Nguyen: Yes.

Mr Callahan: You'd never been in the presence of a cabinet minister, provincially anyway, I'll bet. Would that be fair to say?

Mr Nguyen: That's right.

Mr Callahan: So it's kind of a heightened experience. Is that right? You were concerned; you're in the presence of the Minister of Housing. Is that right?

Mr Nguyen: What do you mean? Explain it.

Mr Callahan: Well, it's not like sitting—

Mr Harnick: It's a big experience.

Mr Callahan: Yeah, it's a big experience.

Mr Nguyen: Not quite, to me. No.

Mr Callahan: Did it not make you apprehensive, this being the Minister of Housing, that if she said something it would have more of an impact than if I said something to you, me as just a humble MPP?

Mrs Mathysen: Not more than most.

Mr Callahan: No, but let's say—

Mr Nguyen: We didn't expect anything when we came to the meeting.

Mr Callahan: I guess what I'm trying to get at is, you've gone through a meeting with the Minister of Housing, and we've heard from other witnesses, many of your colleagues, that when the minister arrived they looked upon her as being there, finally, after all this asking, and she was going to solve all their problems. Is that a fair statement?

Mr Nguyen: No.

Mr Callahan: You didn't anticipate that she was going to solve all your problems?

Mr Nguyen: No.

Mr Callahan: Well, your colleagues said that.

Mr Nguyen: Honestly, I don't think that. I don't think so.

Mr Callahan: Well, did your meeting with the minister—surely it must have had a more heightened experience than, say, meeting with one of your friends. Is that a fair statement?

Mr Nguyen: Sure.

Mr Callahan: Okay. So the minister's sitting there and the minister was chairing the meeting, was she not?

Mr Nguyen: I'm not too sure who was chairing the meeting.

Mr Callahan: We've heard evidence that she was chairing the meeting. She probably was running the meeting. Is that right?

Mr Nguyen: I don't know. What do you mean, "chair"? I mean, they didn't formally say, "I'm the chair of the meeting." No, she didn't say that, so I don't know.

Mr Callahan: No, but didn't she at the outset of the meeting say, you know: "I know all about your problems.

I've gotten a briefing on the problems you're having. I've got a briefing on the court charges that are outstanding"? Did she not say that?

Mr Nguyen: Probably she did. I couldn't remember—

Mr Callahan: Yes. So she was chairing the meeting. I suggest. When you say she didn't bring pressure on you, I can accept that, but what I'm saying is that you've got the Minister of Housing there. It's a little different than having just one of your friends there, right?

Mr Nguyen: Sure. I agree, yes.

Mr Callahan: Right. So she doesn't have to be using pressure at all. Just her presence would be certainly—not frightening, but certainly command respect. Would that be right?

Mr Nguyen: Well, I don't feel any pressure, myself.

Mr Callahan: Well, I guess I'm being rhetorical. If you weren't excited by that, then I guess the previous witness who attributed—I can't think of the spectacular words, but—that's fine. Thank you very much. I appreciate your answers.

Mr Nguyen: You're welcome.

Ms Cronk: I don't want this to come as a shock to Mr Callahan, but there might be the odd person who would share the witness's views on some of those questions.

Mr Callahan: Well, that could be, that could be. I can hardly wait. I'm trying to figure out what those three words were. I've got to look through Hansard.

Mr Harnick: Did you go over your evidence with anyone before you came here today?

Mr Nguyen: What evidence are you talking about?

Mr Harnick: The testimony you've just given. Did you go over this with anybody before you came here today?

Mr Nguyen: No, I just sit in that room and watch the hearing on the TV.

Mr Harnick: Did you go over it with your own lawyer?

Mr Nguyen: No.

Mr Harnick: Okay, thank you.

The Chair: Ms Marland, do you have any questions?

Mrs Marland: Did you discuss with Dr Tang, Dr Truong and Dr Le or any one of those gentlemen what you would all say when you came to the hearing?

Mr Nguyen: I don't think so. No, I don't.

Mrs Marland: You don't think so?

Mr Nguyen: No.

Mrs Marland: Or you didn't?

Mr Nguyen: No, I don't. I didn't.

Mrs Marland: So are you saying that you came to this hearing having not discussed anything to do with the June 17th meeting since the meeting?

Ms Cronk: With those individuals.

Mrs Marland: Sorry; with those three individuals.

Mr Nguyen: You mean for this hearing? Could you phrase the question again?

Mrs Marland: Did you discuss the June the 17th meeting, since the meeting, with the three other members of the board that I just named?

Mr Nguyen: Yes, we did talk about that. Yes.

Mrs Marland: And when did you talk about it?

Mr Nguyen: Right after the meeting, we chat about that one. Then later on during the—well, it has been how many months now? Sure, we talked about that.

Mrs Marland: So did you talk about it in preparation for coming to this hearing?

Mr Nguyen: No, we did not.

Mrs Marland: Thank you.

Ms Cronk: I have just one question for you, Mr Nguyen, and it is because I am unclear as to what your evidence is to the committee. With respect to the meeting of June 19th, at which the removal of Sharron Pretty was to be discussed, do I understand your evidence to be that when you left the meeting on June 17th, you were of the understanding that that meeting was going to go forward?

Mr Nguyen: Yes.

Ms Cronk: Was it also your understanding that the motion to remove Sharron Pretty was going to be dealt with at that meeting?

Mr Nguyen: Yes.

Ms Cronk: Then Saturday night, as I understand your evidence, you received a phone call indicating that the meeting was not going forward.

Mr Nguyen: That's right.

Ms Cronk: And therefore the motion to remove Sharron Pretty was not going forward.

Mr Nguyen: That's right.

Ms Cronk: Was it in your mind at least a possibility that the meeting could go forward without the issue of her removal being dealt with?

Mr Nguyen: No. I believe the meeting was still on to deal with the issue, but whether the decision about removing her or not, that I'm not too sure. But we were discussing about that motion, but I don't believe that we said, "Yes, we will remove her or not remove her."

Ms Cronk: I see. Thank you. Mr Nguyen, I want to thank you for coming before the committee to give your evidence. Thank you.

Mr Nguyen: You're welcome.

The Chair: Mr Nguyen, I'd like to thank you there for the evidence that you gave us to help the committee on their deliberations. Thank you.

Mr Nguyen: You're welcome.

The Chair: And a safe trip home.

Mr Nguyen: Thank you.

The Chair: We'll be meeting tomorrow at 10 o'clock. I got it correct tonight.

Mrs Marland: What time is it tomorrow?

The Chair: It's 10 o'clock, and a short subcommittee meeting right now. This committee's adjourned until 10 o'clock.

The committee adjourned at 2141.

CONTENTS

Thursday 11 August 1994

Continued from volume A

Alleged breach of conflict-of-interest guidelines	M-683
Can D. Le	M-683
My Nguyen	M-708

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

***Chair / Président:** Hansen, Ron (Lincoln ND)

Vice-Chair / Vice-Président: Wessenger, Paul (Simcoe Centre ND)

Dadamo, George (Windsor-Sandwich ND)

***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)

MacKinnon, Ellen (Lambton ND)

***Mathyssen, Irene** (Middlesex ND)

McClelland, Carman (Brampton North/-Nord L)

Morin, Gilles E. (Carleton East/-Est L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

***Sutherland, Kimble** (Oxford ND)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland

Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan

Harnick, Charles (Willowdale PC) for Mr Villeneuve

Marchese, Rosario (Fort York ND) for Mr Dadamo

Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling

Murphy, Tim (St George-St David L) for Mr Morin

Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon

Winninger, David (London South/-Sud ND) for Mr Wessenger

Also taking part / Autres participants et participantes:

Hunt, Phillip, legal counsel to board members, Van Lang Centre

Clerk / Greffière: Freedman, Lisa

Staff / Personnel:

Cronk, Eleanore, counsel to the committee

Hourigan, William, counsel to the committee

McLellan, Ray, research officer, Legislative Research Service



M-27A

M-27A

ISSN 1180-436X

**Legislative Assembly
of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Friday 12 August 1994

**Standing committee on
the Legislative Assembly**

**Alleged breach of
conflict-of-interest guidelines**

**Journal
des débats
(Hansard)**

Vendredi 12 août 1994

**Comité permanent de
l'Assemblée législative**

**Allégations d'enfreinte aux consignes
sur les conflits d'intérêts**



Chair: Ron Hansen
Clerk: Lisa Freedman

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944 – 1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Friday 12 August 1994

Vendredi 12 août 1994

*The committee met at 1011 in room 151.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES

The Chair (Mr Ron Hansen): Good morning to the standing committee on the Legislative Assembly, day five of the hearing on alleged breach of conflict-of-interest guidelines.

AUDREY MOEY

The Chair: Our first witness is Ms Audrey Moey. I ask that the clerk will administer the oath. Welcome to the committee.

Ms Audrey Moey: Thank you. Could I just go on the record, if I could be indulged, by saying that my last named is pronounced "moy" and it rhymes with "boy." Thank you very much.

Mr Robert V. Callahan (Brampton South): I don't want to interrupt counsel when she gets started, so I'll do it now.

Ms Eleanore Cronk: I thought you had a question about her name.

Mr Callahan: No, I got it: Moey and boy.

You recall that I requested whether or not we could find out if Marc Collins, who is the policy assistant to the minister, was one of the recipients of the rather lengthy document that was prepared July 14th by Brian Sutherland. I don't know whether we've been able to do that yet. If not, I'll await the answer on that.

Ms Cronk: I can inform the committee that we've made a number of inquiries concerning outstanding items, so there's sort of a list of housekeeping matters. But just to deal with this one first, information has been provided to me through the Ministry of Housing that indicates—and this was with respect to Brian Sutherland's notes made on or about July 14, 1994, pertaining to his recollections of the June 17, 1994, meeting? That's the document we're speaking of, Mr Callahan? Yes.

The information provided to me is that Mr Sutherland produced and distributed that document to those present at the staff meeting held, you will recall, as referred to in the documents before you, on July 18, 1994, in the office of the assistant deputy minister, housing operations division. He distributed the document to those in attendance at the meeting. That of course was his own evidence, and that appears from the face of the document.

Present were Shirley Hoy, assistant deputy minister; her administrative assistant, Ms Da Costa; Patricia Redmond, the executive assistant to the deputy minister; Mr Brian Sutherland; and also Mr Robert Stupart, counsel

for the Ministry of Housing. After the document was described and before it had been dealt with in any detail, all copies were returned to Mr Sutherland so that it would serve as an aide-mémoire for him should he need it. The information provided to me is that on inquiries made at my request, both by Mr Stupart and individuals connected with the Ministry of Housing, they are aware of no further distribution of that document after the meeting of July 14 until it appeared at commencement of the hearings this week in the exhibits prepared by us as your counsel.

"The document was not included"—I'm reading now from a written confirmation of this information provided to me. "The document was not included in any other binders compiled in the ministry, in particular in those prepared for the use of the minister and her staff." I can inform the committee that the document was provided to us by Mr Sutherland at our initial interview of him, and I saw at that time what I understood to be the original that he had in his own materials. That's the information available to me.

Mr Robert Chiarelli (Ottawa West): I'm wondering if counsel can confirm to the committee whether Mr Sutherland's memo of June 17 made at 3:33 pm the day of the meeting was also one of the documents that was available or dealt with at the meeting of the 18th that you just referred to.

Ms Cronk: I don't know that, Mr Chiarelli, and because it wasn't asked previously, I have not made that inquiry. I can certainly attempt—

Mr Chiarelli: Is it possible that we might get an answer to that as soon as possible?

Ms Cronk: I can certainly make those inquiries today, and I'll provide you the information when I get it, sir.

Mr Chiarelli: Thank you.

Ms Cronk: You're welcome.

The Chair: Okay, we'll start over again. The clerk will administer the oath.

Clerk of the Committee (Ms Lisa Freedman): Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Ms Moey: Yes, I do.

The Chair: Ms Cronk, your witness.

Ms Cronk: Thank you, Mr Chair. Good morning, Ms Moey.

Ms Moey: Good morning, Ms Cronk.

Ms Cronk: As I understand it, Ms Moey, you are a

member of the constituency office staff of Evelyn Gigantes, the Minister of Housing.

Ms Moey: That's right.

Ms Cronk: How long have you held that position?

Ms Moey: Since late September or early October of 1991.

Ms Cronk: And you are a resident of Ottawa, as I understand it?

Ms Moey: Yes, I am.

Ms Cronk: If I can be permitted, I also understand it's your birthday, so thank you very much for being with us today.

Ms Moey: You're very welcome.

Ms Cronk: I'm not foolish enough to inquire further on that line. I'll leave that one alone.

In your capacity as a member of the minister's constituency office staff, were you involved from time to time in matters related to the Van Lang Centre, in the sense of receiving information about it and meeting with individuals about it during the course of the period June—or let's say the spring of 1993 through to June of this year?

Ms Moey: Yes, it would be within that time period.

Ms Cronk: The committee has received information that you took a leave of absence from your role in the minister's constituency office for maternity leave.

Ms Moey: That's right.

Ms Cronk: When exactly were you on maternity leave?

Ms Moey: From about early or mid-August of 1993 through to March 21st of 1994.

Ms Cronk: On completion of your leave, did you return to work in the minister's constituency office?

Ms Moey: Initially on a part-time basis, from March 21st till about the first week of June, after which I returned as a full-time staff member.

Ms Cronk: And when you were working on a part-time basis, how many days a week was that?

Ms Moey: It varied. On average, it would be two days one week and then three the following week, although there was a period, I think two weeks it was, when I was there all five days of the week but only in the morning.

Ms Cronk: During the period April 1993 up until early August, when you went on your maternity leave, with whom did you work in the constituency office? Who were the other members of the minister's staff?

Ms Moey: Sue Lott, Paul Dewar, and there was a part-time correspondence assistant, Carolyn Emond.

Ms Cronk: As among Sue Lott, Paul Dewar and yourself, generally how did you divide your responsibilities?

Ms Moey: Generally, there were two people who would be dealing for the most part with case work and inquiries and that sort of thing, and one person would be responsible primarily for scheduling of Evelyn's time when she was back in the riding.

Ms Cronk: And who, during that period—we're

talking April through to August 1993—was doing the scheduling, or do you now remember?

Ms Moey: I don't recall.

Ms Cronk: Okay. And when you went back to the minister's office on a part-time basis towards the end of March of this year, what role did you assume at that time?

Ms Moey: I assumed a case work role.

Ms Cronk: Does that continue to date?

Ms Moey: No. When I started back full-time in the beginning of June, I took on the scheduling responsibilities for the minister.

Ms Cronk: Is that your current responsibility for her?

Ms Moey: Yes, it is.

1020

Ms Cronk: I'd like to gain a better understanding of the realities of the scheduling role for a minister in a constituency office. You'll forgive me, but I am not familiar with how, in practical terms, that often works. When a request comes forward—and obviously we're talking about your minister, Ms Gigantes—from a member of her riding for a meeting with her and that request comes in initially to the constituency office, how is that generally handled?

Ms Moey: It depends what the subject of the constituent's meeting with Evelyn is to be. If the request was for a Housing-related matter, normally the scheduling person in the constituency office would not deal with that directly. That request would be forwarded up to the minister's staff in Toronto.

Ms Cronk: Why is that?

Ms Moey: We at the riding office try to have a very clear demarcation between Housing-related matters and constituency-related matters. We've found in the course of our work there that a lot of people, because Evelyn is also the Minister of Housing as well as MPP for Ottawa Centre—that a lot of Housing-related issues and questions and requests for meetings come to our constituency office, and the reality is that we just don't have the resources to deal with all that on top, of course, the regular and varied constituency requests that come in.

Ms Cronk: All right. If I understand the two streams that you're describing, if it's a non-Housing-related request for a meeting with the minister, that's handled right out of your constituency office in Ottawa.

Ms Moey: Yes, it is.

Ms Cronk: Is it correct that whomever in the constituency office is at that time responsible for scheduling would then speak with the minister and try to work it into her schedule or make a determination as to whether the meeting should occur?

Ms Moey: That's right.

Ms Cronk: And on a Housing-related matter, just explain to me how that would work once a request for a meeting was received.

Ms Moey: Almost immediately, once it's been identified as a Housing-related request, obviously we try and see if it also was within the riding or within the

Ottawa area. If we had any background knowledge at all about the issue, we would supply that with that request and we would just forward that, everything, to the minister's staff in Toronto.

Ms Cronk: And from that point, is the constituency office or its staff further involved in making a determination or a recommendation or considering whether a meeting should occur, if it's a Housing-related matter that's been passed on to Toronto?

Ms Moey: It varies. Normally, we would not make the determination. In fact, most of the time we would not make the determination about whether or not to have the meeting. However, if the meeting was to be set up in the Ottawa office, then obviously the person who was responsible for scheduling in the constituency office would have to be asked to do the logistics of calling the people or the person involved and picking a time and that sort of thing.

Ms Cronk: So the constituency office would facilitate the actual arrangements for the meeting?

Ms Moey: That's right.

Ms Cronk: But not be involved in determining when or if? Is that fair?

Ms Moey: Well, we would be able to tell the scheduling assistant, our counterpart in Toronto, whether or not a proposed time would be suitable, because there might be an event already on the books.

Ms Cronk: With respect to the Van Lang Centre, is it in the riding of the minister?

Ms Moey: It is not physically in the riding of Ottawa Centre, as far as I'm aware.

Ms Cronk: We spoke about the procedures followed when a request from a constituent or, I take it, a member of the public generally—would the same procedures apply that you've described—

Ms Moey: That's right.

Ms Cronk: —for a meeting came in, how you would handle that. What was the normal procedure for correspondence received at the constituency office?

Ms Moey: If the request came in through the postal system, it would be logged into our mail log. If it was a Housing-related request, again it would then be faxed up directly to the minister's office in Toronto. Are you talking just about requests for meetings, at the moment?

Ms Cronk: No, just general correspondence from members of the public or constituents.

Ms Moey: General correspondence? If it was a question or if it was an issue that didn't require a meeting per se, the correspondence would also go up to the Ministry of Housing if it were Housing-related.

Ms Cronk: Do you keep records in the constituency office of correspondence or documents on Housing-related matters sent to Toronto, for example records of when they're sent?

Ms Moey: There is no formal procedure for that, no.

Ms Cronk: In the time frame we're discussing—and again recognizing that you left on your maternity leave in August 1993, we'll just concentrate on the spring and

early summer for the moment—did you have occasion to meet a woman by the name of Trinh Luu?

Ms Moey: Yes, I did.

Ms Cronk: Approximately when did you first meet her?

Ms Moey: To the best of my recollection, I first met Ms Luu in, I think, December 1992.

Ms Cronk: Do you remember the circumstances?

Ms Moey: Yes. She had come into the riding office to pick up some printed material by the government of Ontario, and that was the first instance I met her. She had just, if I recall, been offered a job with the minister's office in Toronto and she had wanted, before she took up her duties there, to familiarize herself a little bit with the government of Ontario, so she dropped into the office to pick up some of that material.

Ms Cronk: Did you have any impression as to whether she'd accepted the job, whether she was intending to go?

Ms Moey: At the time I met her, she certainly was intending to go and she had certainly accepted the job, because she was trying to prepare herself.

Ms Cronk: And that, you believe, was in about December 1992?

Ms Moey: To the best of my recollection, yes.

Ms Cronk: In the event, to the best of your knowledge, did she accept the position and go to Toronto to work in the minister's office?

Ms Moey: She subsequently, I think, withdrew her acceptance of the position.

Ms Cronk: And when did you next come into contact with Ms Luu, that you recall?

Ms Moey: It might have been in the late winter or early spring of 1993.

Ms Cronk: And did there come a time when you had some contact with Ms Luu relating to the Van Lang Centre?

Ms Moey: Yes. To the best of my recollection, that would have been in the early summer of 1993.

Ms Cronk: Over the course of time, did you, with others in the constituency office or by yourself, strike up a form of friendship with Ms Luu?

Ms Moey: I suppose it was in the process of becoming a friendship. I remember having lunch with Ms Luu in the company of Ms Lott twice in that time frame, that is to say, in the late winter through to the early summer of 1993.

Ms Cronk: And what about in 1994? Did you from time to time have lunch with her thereafter?

Ms Moey: I have not since had lunch with Ms Luu.

Ms Cronk: All right. Would you describe her as a friend?

Ms Moey: I would have, yes.

Ms Cronk: The committee has heard evidence, for example, that she attended your baby shower.

Ms Moey: Yes, that's correct.

Ms Cronk: So she was then someone, I gather, who

over time became known to the constituency office, in the sense that you came to know her, and Ms Lott did as well, I take it?

Ms Moey: Yes, that's correct.

Ms Cronk: To your knowledge, and please tell me if you don't know, when did Ms Luu first meet the minister herself?

Ms Moey: As far as I'm aware, the first meeting they had was at the official opening of the Van Lang Centre.

Ms Cronk: Did you attend that?

Ms Moey: No, I did not.

Ms Cronk: When did you first become aware yourself of concerns held by Ms Luu with respect to the Van Lang Centre?

Ms Moey: It would again be in the late spring or early summer of 1993.

Ms Cronk: At that time, did she speak with you about concerns she had?

Ms Moey: Yes, she did.

Ms Cronk: Ms Moey, the work of this committee is concerned, as you know, with what occurred at the June 17, 1994, meeting held at the Rideau Centre among members of the board of the Van Lang Centre and the minister. Were you at that meeting?

Ms Moey: Yes, I was.

Ms Cronk: All right. In that context, the background history with respect to the Van Lang Centre and in particular about many of the concerns that were expressed over time, regardless of their source, is not directly relevant to what's at issue before the committee, so I'm not going to ask you the details of concerns raised by Ms Luu or others, but is it fair to say that towards the end of June 1993, she did draw to your attention at the constituency office specifically a number of concerns that she had?

Ms Moey: Yes, that would be fair.

1030

Ms Cronk: And did you learn at that time as well that she had been in contact with representatives of the Ministry of Housing offices in Ottawa in mid-June, if not earlier, to express similar concerns?

Ms Moey: If I recall correctly, I think it was upon the suggestion of Ms Sue Lott and/or myself that she make that contact with the local Ministry of Housing officials.

Ms Cronk: All right. Did you actually meet with Ms Luu towards the end of June 1993 to discuss her concerns?

Ms Moey: Yes, I did.

Ms Cronk: Could I ask, if you wouldn't mind, Ms Kristjanson, if you could show Ms Moey, please, exhibit 2. Ms Moey, if you turn to tab 6, you'll see a fax cover sheet that appears to be from Trinh Luu to Sue and Audrey dated June 29, 1993. Was that a fax sent to you and to Sue Lott?

Ms Moey: Yes, it is.

Ms Cronk: Attached to it is a letter dated June 29, 1993, again addressed to "Dear Sue and Audrey," and Ms Luu has indicated that that was her signature. Did you

receive a copy of this letter?

Ms Moey: Yes, we did.

Ms Cronk: Does this assist you in recalling and being able to confirm for the committee that you did meet with Ms Luu and hear a number of concerns that she had relating to the centre?

Ms Moey: Yes, it does.

Ms Cronk: Was this the first time that she'd raised any concerns with you or did that occur earlier?

Ms Moey: Well, in a phone call to our office prior to the meeting that occurred, she did let us know that she had concerns about the Van Lang Centre and could she talk to us about it, and we said, "Of course, come on in."

Ms Cronk: Was this a formal meeting or did she just drop by?

Ms Moey: I think we probably did arrange a time for her to come in.

Ms Cronk: Did she provide any documents to you with respect to the Van Lang Centre when she came in towards the end of June?

Ms Moey: I seem to recall that she showed us many documents and she might have left some of those with us.

Ms Cronk: The committee has heard in other evidence that in mid-June, that is, about two weeks before the date of this letter, Ms Luu had prepared a report addressed to Brian Sutherland of the Ministry of Housing offices in Ottawa. Did you know Mr Sutherland in June of 1993?

Ms Moey: I knew of him and I think I might have had occasion to make his acquaintance, to meet him at Housing openings that I was accompanying the minister to.

Ms Cronk: All right. When Ms Luu came in and met with Ms Lott and yourself, did she provide you with a copy of any letter or document that had been prepared for Brian Sutherland or do you now remember?

Ms Moey: I don't remember exactly what she left with us, but it's very possible that she might have left that particular document with us.

Ms Cronk: And when she came in at the end of June—my question assumed—did she in fact meet with you and with Ms Lott?

Ms Moey: Yes, she did.

Ms Cronk: And did she speak with both of you about her concerns?

Ms Moey: Yes, she did.

Ms Cronk: And would it be accurate or inaccurate of me to suggest that she raised with you at that time, again leaving aside the exact detail of it, several concerns about the Van Lang Centre, some of which had to do with the superintendent of the facility, some of which had to do with the secretary of the facility, a Dr Can Le?

Ms Moey: That's correct.

Ms Cronk: If you take a look at page 2 of the letter that Ms Luu sent to you, some of those concerns are set out in the letter and it concludes by indicating in the second-last paragraph that she had had some communication with Bill Clement. Did you know who he was?

Ms Moey: I knew that he was the Ministry of Housing official at the local Ottawa office.

Ms Cronk: So did you understand then upon your receipt of this letter and following your meeting with her that she had been in contact with Ministry of Housing officials to express her concerns?

Ms Moey: Yes.

Ms Cronk: And the individuals with whom she'd been in contact included Brian Sutherland and Bill Clement?

Ms Moey: That's right.

Ms Cronk: She concludes the letter by asking: "What do you think? Shall I formally write to Evelyn?" Do you see that?

Ms Moey: Yes, I do.

Ms Cronk: Do you recall whether you replied in any way, either casually in a conversation with her or in writing, with respect to her inquiry as to whether she should write the minister?

Ms Moey: I know that I didn't reply to her in writing.

Ms Cronk: I'm sorry, you did not?

Ms Moey: I did not reply to her in writing, but it's possible that either I or Sue Lott might have indicated to her over the telephone that she should indeed write to Evelyn.

Ms Cronk: Do you now recall doing so?

Ms Moey: I don't recall one way or the other.

Ms Cronk: All right. And looking at tab 7 in the same book, there's a handwritten note. It appears to be—and it's been confirmed by Sue Lott and Trinh Luu that it was—a note from Ms Luu to Sue Lott dated June 29, 1993. Do you know whether Sue Lott took any action with the minister with respect to this correspondence?

Ms Moey: I'm not in a position to say.

Ms Cronk: You don't know?

Ms Moey: I don't remember.

Ms Cronk: Okay, did you in the sense of speaking to the minister about the fact that Ms Luu had met with you and provided you with documents concerning issues related to the Van Lang Centre?

Ms Moey: I might have mentioned it in passing to the minister, yes.

Ms Cronk: When do you now recall first discussing with the minister issues being raised by Trinh Luu about the Van Lang Centre?

Ms Moey: It would have been before I left on maternity leave, of course. That would be before early August of 1993.

Ms Cronk: When you say "of course," do you remember doing that actually before you left?

Ms Moey: I do remember one specific occasion in which I did speak directly to the minister regarding this particular file.

Ms Cronk: And when was that?

Ms Moey: I don't remember the exact date.

Ms Cronk: Sorry, do you mean before August, before you left?

Ms Moey: Yes, that's right.

Ms Cronk: All right. And in what connection did you speak with the minister?

Ms Moey: I wanted to see if she had been made aware of the existence of this file and I wanted to be sure before I left on maternity leave that it was going to be looked after in my absence by the appropriate people on her staff.

Ms Cronk: And when you spoke to the minister, was it—did you have any impression as to whether she was aware of the file or did you understand that you were bringing it to her attention for the first time?

Ms Moey: To the best of my recollection, I think she was aware of the file and she certainly wasn't surprised when I spoke to her about it.

Ms Cronk: And you think that discussion was some time before the beginning of August?

Ms Moey: That's right.

Ms Cronk: Did she indicate whether she had met or had any discussions with any of the participants, if I can put it that way, any of the people associated with the Van Lang Centre?

Ms Moey: No, she didn't.

Ms Cronk: And then you yourself went off on maternity leave at the beginning of August, and you're not back until the beginning of March, and then it's on a part-time basis.

Ms Moey: Late March.

Ms Cronk: Sorry, late March.

Ms Moey: Mm-hmm.

Ms Cronk: And in late March 1994—during the period of time that you were away, some people go on maternity leave and their office is right there with them for the entire time of their leave and sometimes people are lucky enough to not have that happen. Did you have any involvement with the constituency office or matters related to the Van Lang Centre while you were gone?

Ms Moey: I was in the happy position of not having had any involvement during that period with the Van Lang Centre and the file.

Ms Cronk: Did you see Ms Luu at any point while you were on your maternity leave, apart from the shower, in the context of her raising or discussing with you matters related to the Van Lang Centre?

Ms Moey: No.

Ms Cronk: Before you went on maternity leave, had you ever met a woman by the name of Sharron Pretty?

Ms Moey: No.

Ms Cronk: Did you subsequently in 1994?

Ms Moey: Yes, at the June 17th meeting.

Ms Cronk: Was that the first time that you'd met her?

Ms Moey: Yes.

Ms Cronk: All right. When you returned to the minister's offices at the end of March 1994, did you thereafter have any further involvement with this file in the sense of the Van Lang Centre issue?

Ms Moey: Not any direct involvement that I would characterize as such. I remember having a phone conversation with Ms Luu some time in the spring of 1994. I was calling her on an unrelated matter and she was the one who started the discussion about the ongoing problems at the Van Lang Centre.

Ms Cronk: And was that the first time that you'd spoken to Ms Luu in several months?

Ms Moey: That's right.

Ms Cronk: And during the course of that discussion—do you recall when that was approximately?

Ms Moey: I would say it would have been in late March. I know it was right after I had started on a part-time basis back at the office but before I was full-time. So it would have been late March, perhaps April.

Ms Cronk: Did she outline any concerns to you at that time regarding the Van Lang Centre?

Ms Moey: She started to.

Ms Cronk: Did you engage in a discussion with her about it?

Ms Moey: I tried hard not to.

1040

Ms Cronk: Did you learn at that time whether her concerns had been resolved or did you have the impression that they were still unresolved and outstanding?

Ms Moey: I had the very strong impression that they were still outstanding.

Ms Cronk: Did Ms Luu say anything to you during that telephone discussion about the media becoming involved on matters relating to the Van Lang Centre?

Ms Moey: Yes, she mentioned that a woman by the name of Sharron Pretty—I didn't know who that was at the time—was about to go to the media.

Ms Cronk: And was this a—you said this was a telephone discussion on another matter.

Ms Moey: That's right.

Ms Cronk: Were you actually working at that point? Did you return to the—I don't mean when you physically made the call, but had you gone back to the constituency office? Had you returned to work?

Ms Moey: I think I had.

Ms Cronk: And after having that conversation with Ms Luu, did you take it up with others at the constituency office in the sense of relaying to them what you had heard about the Van Lang Centre?

Ms Moey: Yes, I did.

Ms Cronk: And did you make inquiries about what the situation was?

Ms Moey: Yes, I did.

Ms Cronk: And what were you told at that time, as you recall it?

Ms Moey: At the very next occasion that I had, I asked Sue Lott what the current status was of the Van Lang file. She replied that, "Well, it's still outstanding, it hasn't been resolved," and that if I wanted to I could look at the file. I did. I took a look at the file and realized how much it had grown in my absence and

decided that I shouldn't involve myself in this, as I knew that very shortly I would be taking on scheduling responsibilities for the minister.

Ms Cronk: And why is it from that that you felt you shouldn't be involved?

Ms Moey: Because I had been away for a number of months and I didn't want to have to go back into all that time, discover for myself after the fact what had been occurring and try to inform myself. I felt it was too big a job to try and squeeze in before I took on my new responsibilities.

Ms Cronk: I see.

Ms Moey: Mm-hmm.

Ms Cronk: During this discussion with Ms Luu, did she indicate to you that she had requested a meeting with the minister about the Van Lang Centre?

Ms Moey: I don't recall one way or the other.

Ms Cronk: Do you recall any indication from her as to whether she was waiting to hear from the minister about anything relating to the Van Lang Centre?

Ms Moey: I did get that impression, because the first thing she said to me after I identified myself and she—it took her a moment, I think, to place me. She said, "Finally, we hear from somebody in Evelyn's office." So that was what gave me the impression that she had been waiting to hear.

Ms Cronk: The committee has heard, Ms Moey, that in early March of 1994, so just a couple of weeks before you're indicating this discussion took place—

Ms Moey: Mm-hmm.

Ms Cronk: —Ms Luu and Ms Pretty had jointly written directly to the minister at the constituency office requesting what they described in the letter as a special and urgent meeting with her. Did she make any reference to that letter or to the fact of having done that in your discussion that you now recall?

Ms Moey: No, I don't recall one way or the other.

Ms Cronk: All right. And by that point the committee has also heard that there had been other requests of the minister from both Ms Pretty and Ms Luu for a meeting with the minister about matters related to the Van Lang Centre and that they were made in the fall of 1993. Did she mention anything about that?

Ms Moey: Not that I recall.

Ms Cronk: Well, when she told you that a woman by the name of Sharron Pretty, whom you've indicated you didn't know at that point, was getting ready to go to the media? Do I have your words approximately?

Ms Moey: She said that Sharron Pretty was about to go to the media, or words to that effect.

Ms Cronk: In what context did she make that remark? What did you understand it meant?

Ms Moey: It meant that things had not been resolved, and I take that to mean they had not been resolved to their satisfaction and that Sharron was about to go to the media. That was all I took from it.

Ms Cronk: Did you speak with the minister about that telephone discussion?

Ms Moey: No, I didn't.

Ms Cronk: Did you communicate to Sue Lott what Ms Luu had said?

Ms Moey: Yes, I did.

Ms Cronk: And do you know whether there was any follow-up on it from Sue Lott's end or anyone else in the constituency office following that as a result of the discussion?

Ms Moey: I don't know.

Ms Cronk: All right. What I'm getting at, so that you're clear, Ms Moey, is that Ms Luu appears to have told you in the discussion, at least in her initial remarks, "At last we hear from the ministry." She seemed to be implying that she'd been waiting and you had that strong impression—

Ms Moey: Right.

Ms Cronk: —that she'd been waiting to hear, and then she indicated that someone you didn't know, a woman by the name of Sharron Pretty, was about to go to the media. In those circumstances, did any alarm bells go off in your mind, or did it raise a flag that this was something that should be brought to the attention of the minister?

Ms Moey: Um, yes and no.

Ms Cronk: What do you mean?

Ms Moey: Yes, it did raise an alarm in my mind, but that doesn't necessarily mean that the first thing I do is talk directly to the minister. It raised an alarm in my mind and therefore I spoke with Sue Lott, who had been involved with this file all along while I was gone. She had indicated to me that this file was being looked after basically out of the Ministry of Housing. It was a Ministry of Housing responsibility and she really was just passing on whatever information she got, on to the appropriate person.

Ms Cronk: Did she give you any indication as to whether it was being dealt with out of the normal course, or did she make any comment about that? What I mean by that is, the committee has heard evidence this week that one of the requests in particular, from the fall of 1993, was being dealt with outside the normal course, in the sense that it had been pulled for a response.

Ms Moey: I was not aware of that.

Ms Cronk: All right. I neglected to ask you about one document that I should ask you to look at for me, Ms Moey. Could you look at tab 11 of the same book of documents that you have?

Ms Moey: Mm-hmm.

Ms Cronk: Can you tell me whose notes these are?

Ms Moey: That's my writing.

Ms Cronk: All right. And do these notes relate to a meeting held on July 20th with Trinh Luu?

Ms Moey: They would appear to be.

Ms Cronk: And again, there are a number of concerns that appear to have been expressed by her to you at that time about Van Lang?

Ms Moey: That's right.

Ms Cronk: And you're making notes during the

course of the meeting as she's, I assume, telling you these things?

Ms Moey: Mm-hmm.

Ms Cronk: Is that correct?

Ms Moey: Yes.

Ms Cronk: And then after this discussion in March of 1994 with Ms Luu, what was your next involvement with matters relating to the Van Lang Centre? Did you have any contact in April that you now recall?

Ms Moey: Well, I'm not certain if that phone call took place in March or April, but that was the only contact I'd had with Ms Luu up to the time when I called her to arrange a meeting between her and the minister.

Ms Cronk: All right. Well, could you tell me about that?

Ms Moey: About?

Ms Cronk: Your calling her to arrange a meeting with the minister. When did that occur?

Ms Moey: It would have been prior to June the 10th, because that's when the meeting occurred, but I don't recall the exact date.

Ms Cronk: All right, I'm sorry; so your contact with her, that you're remembering, had to do with the meeting that ultimately took place on June the 10th?

Ms Moey: That's correct.

Ms Cronk: Did you become aware, in the month of April or early in the month of May 1994, of any suggestion that the minister would be meeting with Trinh Luu, that early?

Ms Moey: No.

Ms Cronk: Do you recall any discussion at the constituency office about a meeting with Trinh Luu at that time, or with Sharron Pretty?

Ms Moey: No.

Ms Cronk: Do you have any recollection of any further involvement with them during those months?

Ms Moey: Yes, I remember that at one point, and I don't remember the month or the day, Sue Lott had had a phone conversation with Ms Pretty and I think it was about a meeting, and I remember Sue Lott being quite agitated at the end of that phone call.

Ms Cronk: Did she speak with you about it?

Ms Moey: Briefly, yes.

Ms Cronk: And what, if any, information did she give you at that time about what had occurred during the discussion?

Ms Moey: She was upset because she couldn't understand why Ms Pretty was calling her to ask about a meeting, because she indicated to me that that whole issue, the issue of the possibility of a meeting, had been referred to Karen Ridley on the minister's staff in Toronto.

Ms Cronk: Did she tell you anything else about her discussion with Ms Luu?

Ms Moey: I don't recall the specific words or phrases, but I seem to recall that she mentioned that her last understanding from Ms Ridley was that there wasn't

going to be a meeting because Ms Pretty had launched some legal action, and she was very confused as to why Ms Pretty was now calling her—"her" being Sue Lott.

1050

Ms Cronk: The committee has been told, Ms Moey, that on May 19th, 1994, there was a discussion between Sue Lott and Ms Luu about the Van Lang Centre and—

Ms Moey: Ms Luu?

Ms Cronk: —I'm sorry, between Sue Lott and Trinh Luu—and Sharron Pretty, you're quite right, sorry—about matters relating to the Van Lang Centre and specifically about a meeting with the minister. Does that help you fix the time frame?

Ms Moey: Yeah.

Ms Cronk: Does that seem about right to you?

Ms Moey: I have no reason to doubt that.

Ms Cronk: Did Ms Lott, after that discussion with Sharron Pretty, indicate to you whether Ms Pretty had said anything about a legal action?

Ms Moey: I'm sorry, could you say that again?

Ms Cronk: When you spoke to Sue about the telephone call she'd had with Sharron, did Sue tell you whether Ms Pretty had said anything about a legal action or a court case?

Ms Moey: She didn't say that, no. She didn't tell me that.

Ms Cronk: Do you recall anything further about what she said to you concerning the call?

Ms Moey: No. That's about all I remember.

Ms Cronk: Did she provide you with any details of what Sharron had said during the conversation, apart from what you've just described to the committee?

Ms Moey: No.

Ms Cronk: And what did you understand Ms Lott was going to do about the call, if anything?

Ms Moey: I assumed that she was going to talk to Ms Ridley, but I don't know what action she may or may not have taken after.

Ms Cronk: And did the issue of a meeting with Sharron Pretty or a legal action involving Sharron Pretty come up when you were there or in any discussion in which you participated at the end of May after that call between Sue Lott and Sharron Pretty? Do you have any recall of anything like that?

Ms Moey: I don't recall.

Ms Cronk: All right. What was the frequency of contact between the constituency office and the minister's offices in Toronto, in the sense of scheduling matters or Housing-related concerns? Was there a procedure in place for speaking on a daily or a weekly basis, or how did that work?

Ms Moey: We do have a weekly conference call between the riding office and the minister's office in Toronto, and for the most part that call would deal mostly with scheduling issues for Evelyn's time in Ottawa, and we also discussed any contentious issues that might have arisen during the week.

Ms Cronk: Would you participate from time to time

in those conference calls?

Ms Moey: If I was physically in the office, I would, yes.

Ms Cronk: And do you recall in the month of April or May the issue of a meeting between the minister and any of Sharron Pretty, Trinh Luu or other representatives of the Van Lang Centre coming up in the weekly conference calls?

Ms Moey: Not that I can recall.

Ms Cronk: Was your next involvement, then, as you suggested a few moments ago, when you were asked to arrange a meeting with Trinh Luu?

Ms Moey: Yes, as far as I recall.

Ms Cronk: And who asked you to do that?

Ms Moey: It was Evelyn herself.

Ms Cronk: And what did she ask you to do in that regard?

Ms Moey: She asked me if I would set up a meeting with Ms Luu and with the board of directors, and I understood that to mean two separate meetings.

Ms Cronk: Did she tell you why she wanted those meetings set up?

Ms Moey: No, she didn't.

Ms Cronk: Do you remember when she asked you to do that?

Ms Moey: It must have been in early June because I had just taken on the scheduling responsibilities. So it must have been from the time I started as a full-time person, the first week of June and before the 10th of June.

Ms Cronk: Did she make any mention of Sharron Pretty?

Ms Moey: Not that I can recall specifically.

Ms Cronk: Did you have any understanding as to whether Sharron Pretty was to be included in either of those meetings?

Ms Moey: I understood that Ms Pretty would be included in the board meeting because I understood her to be a board member.

Ms Cronk: Did you talk to the minister about that or was there a discussion between you?

Ms Moey: There was no discussion.

Ms Cronk: So given your understanding that Ms Pretty was a director, you just assumed that she'd be at the board meeting?

Ms Moey: Yes.

Ms Cronk: And did you set up the June 10th meeting with Trinh Luu?

Ms Moey: Yes, I did.

Ms Cronk: Why did you understand the meeting was being held?

Ms Moey: I understood that the meeting was being held because there were ongoing problems at the centre, and I assumed from the phone conversation that I had with Ms Luu that perhaps the minister wanted to be able to meet directly with Ms Luu to hear first hand from her about those ongoing problems.

Ms Cronk: Had Ms Luu, to your knowledge, requested the meeting or was this coming from the minister, or did you know?

Ms Moey: At the time that the request to set up the meeting came to me from the minister, I had no knowledge of a formal request for a meeting from Ms Luu.

Ms Cronk: All right. This was around the beginning of June, because that's when you assumed scheduling responsibilities again.

Ms Moey: That's correct.

Ms Cronk: On June the first, 1994, Ms Moey, an article appeared in the Ottawa Sun under the byline of James Wallace concerning the Van Lang Centre. Did you see that article at or about the time of its publication?

Ms Moey: At or about the time. I don't know what day of the week it was. If it was a weekend date, then I would have seen it on the Monday following.

Ms Cronk: All right. Do you have a memory, looking back on it, of knowing of the article and the issues raised in it around the time that it appeared in the press?

Ms Moey: Yes.

Ms Cronk: Did you personally read the article?

Ms Moey: I looked at it very briefly.

Ms Cronk: The article indicated, among other things, that charges had been initiated—I'm not suggesting that was the verb used, but there were charges involving the Van Lang board of directors. Do you recall that?

Ms Moey: Yes, I do recall that.

Ms Cronk: It also contained or summarized certain allegations that Sharron Pretty was making with respect to the Van Lang Centre. Do you recall that?

Ms Moey: It's possible that it did.

Ms Cronk: Well, do you recall any discussion in the minister's constituency office after that article appeared in the press about what was alleged in it?

Ms Moey: I remember that it was faxed up immediately to the minister's office in Toronto.

Ms Cronk: Who did that?

Ms Moey: I don't remember who did it; it wasn't I.

Ms Cronk: All right.

Ms Moey: I recall that I said, "Well, I guess Ms Pretty has made good her threat," or words to that effect, "about going to the media."

Ms Cronk: Did you at any point discuss the fact of the article or what was in it with the minister?

Ms Moey: No.

Ms Cronk: Did you receive any contact from any member of the minister's staff in Toronto about it that you remember?

Ms Moey: Not that I can remember, no.

Ms Cronk: So at the time that you were asked by the minister to set up the meeting with Trinh Luu, I take from what you're saying that you had seen the Wallace article and knew that there was an issue now about charges involving directors of the centre.

Ms Moey: I knew there was some sort of legal proceeding going on, as mentioned in the article.

Ms Cronk: Did you have any discussion with Ms Lott in the constituency office about the article, once it appeared?

Ms Moey: I might have had a brief exchange with her. I remember that I was quite upset that the article had indeed appeared, because I had been told by Ms Luu that Sharron Pretty was going to go to the media. I remember thinking to myself, "Why couldn't those problems have been resolved before this, before the article appeared?"

Ms Cronk: Did Sue Lott say anything to you at that point, that is, when the article appeared, about her earlier conversation with Sharron Pretty? I guess what I'm asking you is, did this trigger a conversation between Sue and yourself about what was going on and what the situation was at Van Lang?

Ms Moey: Not about the situation at Van Lang or what was going on. We were basically exchanging our frustration that this file had been so long in being resolved.

Ms Cronk: Do you recall at this time learning anything further from Sue Lott, after the Wallace article appeared, concerning information that she may have had relating to the legal action involving Sharron Pretty and the directors of the Van Lang Centre?

Ms Moey: I don't recall.

Ms Cronk: Okay. I'm assuming, and perhaps incorrectly, so tell me if this is wrong, that things were pretty casual in terms of communications between Sue Lott and Paul Dewar and yourself in the constituency office. It's not that big a place. So that if there's some—

Ms Moey: We wouldn't be sending memos to each other, no.

Ms Cronk: Exactly. So if there's some new development or something of interest with respect to a constituent or some matter that you had some interest in, there'd be a lot of chitchat about that, because you were working in close circumstances, right?

Ms Moey: Mm-hmm.

Ms Cronk: Do you remember a discussion about the Wallace article and Sue telling you anything further about her earlier discussion with Sharron Pretty as a result of that hitting the press? That's what I'm asking you.

Ms Moey: No.

Ms Cronk: No? All right. Do you remember speaking to the minister about it in light of the fact that you were surprised and upset to see the article or Sue indicating that she was going to speak to the minister about it?

Ms Moey: No.

Ms Cronk: I'm assuming it was after the Wallace article that you were asked by the minister to arrange the meeting with Trinh Luu, because it was around the beginning of June, that is, the time of the article, that you assumed the scheduling duties. Is that fair?

Ms Moey: That would seem to be a fair assumption.

1100

Ms Cronk: And did the minister, in asking you to set that meeting up, give you any indication as to why she was asking you to do so?

Ms Moey: No, she didn't.

Ms Cronk: Was there any discussion between you, in the context of your being asked to arrange the meeting, about the legal action involving the Van Lang directors and/or Sharron Pretty?

Ms Moey: No.

Ms Cronk: And did you contact Trinh Luu to set the meeting up?

Ms Moey: Yes, I did.

Ms Cronk: And how did it come about that it was on June the 10th, in the sense that, were you given a date, or were you simply asked to arrange a date for the meeting?

Ms Moey: I was not given a specific date. Evelyn basically asked me, would I please set up a meeting with Trinh Luu and a meeting with the board? I did so. I called Ms Luu up. Originally, I had intended to schedule both those meetings on the same day.

Ms Cronk: The same day being?

Ms Moey: June 17th. That was the next available Friday that had that much time free in order to schedule both those meetings in. So I called her up to ask her if she would be available for a time on that date.

Ms Cronk: On the 17th?

Ms Moey: That's right.

Ms Cronk: And was she?

Ms Moey: She didn't say if she was or not immediately. She was very upset again at this conversation, as in the first one. I told her that I was calling because Evelyn had asked if I could set up a meeting with her and with the board. She immediately wanted to be at the meeting with the board.

Ms Cronk: Did she indicate that to you?

Ms Moey: Yes.

Ms Cronk: And what response, if any, did you make to that?

Ms Moey: I said that that was out of the question because she was, as far as I was aware, not a board member.

Ms Cronk: And did you at that point indicate that the minister also wished to meet with her?

Ms Moey: Yes, I did. Yes.

Ms Cronk: And did you tell her when it was proposed that the minister would meet with the board?

Ms Moey: Yes, I told her that I was hoping to be able to set up a meeting with Trinh Luu, perhaps in the morning of that day, and that some time later on in the day I would try to set up a meeting between Evelyn and the board.

Ms Cronk: Did you receive any instructions from the minister or any members of the minister's staff specifically as to who was to be informed of the board meeting and who was to be invited to attend?

Ms Moey: No.

Ms Cronk: Was it then simply an expectation on your part that Sharron Pretty was going to be there because of her status as a director, or did somebody tell you she was to be there?

Ms Moey: No. I took it upon myself, given my—I did have a little bit of background, you'll allow, on the problems at the Van Lang Centre, and I took it upon myself to try and ensure that all current board members, whoever they might be, be made aware of this meeting.

Ms Cronk: How did you go about doing that?

Ms Moey: I called Karen Ridley, the scheduler in Evelyn's office in Toronto, and asked her if she would please set up this meeting. I told her I would be in touch as to the time and the place, but if she could please get a list of current directors and make sure that each and every one of them be informed of this meeting.

Ms Cronk: Did you have any discussion with anyone connected with the Minister of Housing in that connection?

Ms Moey: After I spoke with Karen Ridley, I did subsequently speak to Bill Clement, I think his name—I don't know how you pronounce it.

Ms Cronk: For what reason?

Ms Moey: When I checked back with Ms Ridley as to whether or not she had any information regarding whether or not all the board members had been informed and whether or not this time was convenient to them, she said that she had just made her request to Mr Clement and that I should check with him.

Ms Cronk: Could you look, if you would, please, at exhibit 1, volume 3, Ms Kristjanson, tab 66? Do you have that, Ms Moey?

Ms Moey: Yes.

Ms Cronk: This is an e-mail message to Rob Sutherland from Karen Ridley dated June the seventh, 1994.

Ms Moey: I'm sorry, I don't think I have the right one.

Ms Cronk: Wrong one? Exhibit 1, volume 3, tab 65. I beg your pardon. Sorry; 65. This is an e-mail dated June the seventh, 1994, to Rob Sutherland from Karen Ridley.

Ms Moey: Mm-hmm.

Ms Cronk: It appears to indicate that Ms Ridley had spoken to Audrey. I take that to be you?

Ms Moey: Mm-hmm.

Ms Cronk: With respect to a meeting with the Van Lang board. Do you see that in the first line?

Ms Moey: Would you give me a minute just to read this?

Ms Cronk: Yes.

Ms Moey: Thank you.

Ms Cronk: You're welcome. Actually, in fairness to you, you should probably look at tab 64 as well. This is another e-mail message from the same day, that is, June the seventh, about 20 minutes earlier, and it is to what has been described to me as the information liaison section from Karen Ridley.

Ms Moey: Right.

Ms Cronk: It appears to be indicating that, "The minister would like to meet with the board of directors of the Van Lang Centre and Ottawa regional office staff"—

that is, I assume, Ministry of Housing staff?

Ms Moey: Mm-hmm.

Ms Cronk: The minister would like to meet with the board of directors of the Van Lang Centre and with Ottawa MOH staff to discuss ongoing complaints about that co-op. That's in the first paragraph. Do you see where I'm reading in the first paragraph?

Ms Moey: I hope I have the right one.

Ms Cronk: We're at tab 64. It's an e-mail from 5:01 pm on June seventh.

Ms Moey: Thank you. I was at the wrong one. Okay.

Ms Cronk: I'm suggesting to you that it indicates in the first paragraph that the minister wanted to meet with the Van Lang board and with Ottawa MOH regional staff to discuss ongoing complaints about the co-op.

Ms Moey: Yes.

Ms Cronk: It also indicates that, "The minister will be meeting with Trinh Luu on June 17th in the morning in her constituency office."

Ms Moey: Mm-hmm.

Ms Cronk: Was that your understanding at the time?

Ms Moey: Yes.

Ms Cronk: Is that what you were trying to set up?

Ms Moey: Yes, that was.

Ms Cronk: Then it goes on to say that, "She"—meaning the minister—"would also like to meet with the board of directors in the afternoon."

Ms Moey: Mm-hmm.

Ms Cronk: Then if we go over to the next tab, tab 65, this indicates that Ms Ridley spoke with you concerning the meeting with the Van Lang board and that the time and the date and the place had been set.

Ms Moey: Right.

Ms Cronk: And it refers specifically to June 17th at 10 Rideau.

Ms Moey: Mm-hmm.

Ms Cronk: That's the Rideau Centre?

Ms Moey: That's right.

Ms Cronk: It indicates that, "Bev has booked the room."

Ms Moey: Mm-hmm.

Ms Cronk: Who's Bev?

Ms Moey: Beverlee Bell.

Ms Cronk: What is her function in terms of bookings as you understand?

Ms Moey: She works out of Management Board Secretariat offices at 10 Rideau, and whenever we have a meeting that involves a number of participants greater than what would be contained comfortably at the constituency office, we ask Bev if she would book us a room there so that we could accommodate everyone.

Ms Cronk: Then the e-mail concludes by saying, and this is Ms Ridley speaking: "I am working with ILS to contact the board. Will keep you posted." And that's the end of the e-mail.

Ms Moey: Right.

Ms Cronk: Then there are some handwritten notes. Do you know whose those are?

Ms Moey: I don't.

Ms Cronk: Could I draw your attention to the second—there are sort of three portions to the minutes—the second one down. It begins with the word "Audrey." Do you see that?

Ms Moey: Yes.

Ms Cronk: There's a dash, "Wants list of board members." Did you want a list of the board members to assist in making the arrangements for the meeting?

Ms Moey: I wanted to have a list of board members just to be sure that, if needed, I could contact them personally, if I was made aware that some of them or all of them had not been contacted, and also to be able to see who was whom at the meeting when it occurred.

Ms Cronk: The next line appears to indicate, "Please put a note on every tenant..." I don't know if it's "tenant's door," and then a word that I can't make out and "Sharron Pretty." "Bill to make sure every board member know" or knows.

Ms Moey: Right.

Ms Cronk: Is that what you told Ms Ridley to do?

Ms Moey: No.

Ms Cronk: Sort of to make sure that every board member knew?

Ms Moey: Yes. And I think the first word in the previous line might be "Pres."

Ms Cronk: Oh, "pres." That's right.

Ms Moey: President, perhaps. "Pres."

Ms Cronk: "Pres put a note on every"—

Ms Moey: President. The short form of "president," perhaps. I'm not sure.

Ms Cronk: Thank you. It's really the third line I'm directly interested in.

Ms Moey: Right.

Ms Cronk: Was that your request of Ms Ridley, to make sure that every board member knew about the meeting?

Ms Moey: Yes, indeed.

Ms Cronk: Was the meeting then arranged directly with Trinh Luu?

Ms Moey: Yes, it was.

Ms Cronk: Who attended the meeting?

Ms Moey: With Trinh Luu?

Ms Cronk: Yes.

Ms Moey: Myself, the minister and Ms Luu.

Mrs Margaret Marland (Mississauga South): Ms Cronk, did Ms Moey tell us what that word is after "door" in that line?

Ms Cronk: Can you help us with that? Ms Marland is referring, Ms Moey, to the second line under your name, where it's referring to you. It says, "Audrey—wants list of board members." Then I started to read and made at least one mistake in how I read the next line. You think it says, "Pres put a note on every tenant's

door." Can you read the next word?

Ms Moey: If I had to guess, I would guess that it is "discrediting."

1110

Ms Cronk: Where's the "g"? Sorry. I don't mean that to sound the way it sounds.

Ms Moey: I know. Like I said, if I had to—

Ms Cronk: Is it "creditors"? Is it "dis"—

Ms Moey: It could be "discreditors" or it could be "dis"—

Ms Cronk: You can't read it any better than the rest of us, is basically where we are.

Ms Moey: Yes.

Mrs Marland: Do we know whose writing this is?

Ms Cronk: Ms Moey has indicated she does not. My information is that it's Ms Ridley's, but that evidence isn't confirmed before you.

The next line—am I reading the rest of it correctly? "Sharron Pretty. Bill to make sure every board member know"? I've got it right?

Ms Moey: Yes.

Ms Cronk: Where was the meeting on June 10th held?

Ms Moey: At the constituency office.

Ms Cronk: I was asking you—and I'm sorry, I forget your answer—who was in attendance at the meeting?

Ms Moey: It was myself, Ms Luu and the minister.

Ms Cronk: Were you present at the meeting for the entire time that Ms Luu was there?

Ms Moey: Yes.

Ms Cronk: How long did the meeting last?

Ms Moey: I would say at least an hour.

Ms Cronk: Did you make any notes at the meeting?

Ms Moey: Very few.

Ms Cronk: Could I ask you to look, if you would, please, at tab 72. Are these the notes that you made at the meeting?

Ms Moey: Yes, they are.

Ms Cronk: Were they intended to be a verbatim recording of what was discussed at the meeting?

Ms Moey: No.

Ms Cronk: Did you make them actually during the course of the meeting?

Ms Moey: Yes, I did.

Ms Cronk: Could you tell the committee, please, to the best of your recollection, what was discussed, just by subject matter, during the course of the meeting and, to the extent you can, the way in which the meeting unfolded: who started it and what got discussed in what order, to the extent that you can remember it.

Ms Moey: I'll do my best. It started with Evelyn and Trinh greeting each other, and Trinh got right down to it. She sat down and pulled binders of information on to the table and started to talk about, I guess first of all, the most current problems that Sharron Pretty was having, ie, access to minutes of board meetings and other related

issues; I don't remember exactly what. She talked then further about the board of directors trying to remove Ms Pretty from the board. She also mentioned that they had tried once before in the fall and had failed.

Subsequently, Ms Luu brought forth her information regarding the problems that she felt existed at the Van Lang Centre regarding the tenant selection process and the vacancy policy at the centre. There was also some discussion about the superintendent's competence and how he was hired.

Ms Cronk: Anything else that you now remember?

Ms Moey: Well, there was so much.

Ms Cronk: Who was doing most of the talking?

Ms Moey: It was Ms Luu.

Ms Cronk: Did she cover a lot of ground?

Ms Moey: She sure did.

Ms Cronk: With a lot of documents?

Ms Moey: Mm-hmm.

Ms Cronk: Did she actually show many documents to the minister or was she simply referring to their contents?

Ms Moey: She referred to a lot of documents, but I do remember her showing a few of them to Evelyn.

Ms Cronk: Do you remember what she showed the minister?

Ms Moey: No, I don't.

Ms Cronk: Did she leave a copy of any documents with the minister?

Ms Moey: She left copies of two sheets with the minister.

Ms Cronk: Did she come with the copies or did someone make them for the minister?

Ms Moey: I made the copies for the minister.

Ms Cronk: Could you look at tab 71, please. The documents at tab 71 have been described by Ms Luu as those shown to Ms Gigantes at the meeting, and she has indicated that two of these documents were actually left with the minister. If you move about halfway through, you'll see a document; at the top it says "Ministry of the Attorney General" on the left-hand side. There are a lot of numbers down the left and names on the far right.

Ms Moey: Yes, I have it.

Ms Cronk: This is a court docket slip. It's a court notice. Do you recall whether this was one of the documents shown to the minister at the meeting?

Ms Moey: I don't recall specifically.

Ms Cronk: Do you recall whether this was one of the documents left with the minister, copied and left with the minister?

Ms Moey: I don't recall specifically. I should perhaps explain that I wasn't shown the documents that the minister was, so I can't identify by sight any of these documents.

Ms Cronk: But who made the photocopying of the two left with her?

Ms Moey: I did.

Ms Cronk: So do you remember whether this was

one of them? If you don't, please just indicate that.

Ms Moey: I don't.

Ms Cronk: The second-last page of this document has been described by Ms Luu as the second document she left with the minister. This is a notice, dated June 8, from the Van Lang board of directors concerning a meeting to be held on June 19th for the removal of Sharron Pretty. Was this one of the documents left with the minister, or do you remember?

Ms Moey: For both this one and the one previous, I know those were the documents that I took copies of for the minister. However, I cannot identify them by sight.

Ms Cronk: But these were the two documents you were asked to copy?

Ms Moey: Yes, that's right.

Ms Cronk: And do you remember having—

Mr Callahan: Excuse me. Can I just find out, when she says, "These are the two documents," is she talking about the court docket that she now remembers?

Ms Cronk: Is that correct, Ms Moey?

Ms Moey: Yes, that's right.

Ms Cronk: The second document being the notice about the resolution from the board to remove Sharron Pretty. I take it, if these are the two you copied, these are the two that were left with the minister?

Ms Moey: Yes.

Ms Cronk: Was there any discussion about the first document that you now remember, the court docket?

Ms Moey: Yes.

Ms Cronk: What do you recall of that discussion?

Ms Moey: I recall that Ms Luu was saying to the minister that Sharron Pretty had initiated these legal proceedings against the other board members but that they were denying this. It was in that context that she was showing what I now know to be a court docket to the minister and pointing to a date, I think a specific date on that document.

Ms Cronk: There's a date of June 2 on the far left, and then there's a handwritten date of June—I'm sorry. Did you get to it?

Ms Moey: It's all right. I found it.

Ms Cronk: On the far left, June 2, and then in the middle there's a handwritten date of June 16th that's crossed out and it has July 21 above it. Do you recall what date was being discussed?

Ms Moey: No, I don't.

Ms Cronk: And the words in handwriting, "new court date"—now, this meeting's on the 10th of June and the words "new court date" appear and then, as I say, there's an entry "June 16th," and on our copy that's crossed out and above it "July 21st." Do you remember if the words "July 21st" were there at the time this was given to the minister?

Ms Moey: No, I don't. I'm sorry.

Ms Cronk: You do, however, recall, I take it, mention of a court date, from what's been said.

Ms Moey: Yes.

Ms Cronk: And do you remember what was said in that connection?

Ms Moey: I remember Ms Luu pointing to a date, and saying: "It's right here. How can they not have been aware of it?"—something like that. I'm not sure as to what her words exactly were.

Ms Cronk: Who is the "they"? Who was she talking about?

Ms Moey: I would assume the other board directors.

Ms Cronk: I see. And did you have any impression, based on what you remember Ms Luu saying, as to whether there was a court date coming up soon? Was there any sense of that, from what she said?

Ms Moey: Are you asking me if I remember that—

Ms Cronk: Was she telling the minister, "There's a court date coming up soon on this matter"?

Ms Moey: My impression around that discussion was simply that Ms Luu was trying to tell the minister that Sharron Pretty had indeed initiated some sort of legal proceeding.

Ms Cronk: Did she tell the minister what it involved, what kind of legal proceeding it was?

Ms Moey: To the best of my recollection, I think she was saying that the legal proceeding had to do with their, ie, the board directors, denying Ms Pretty access to minutes and other information about the corporation.

1120

Ms Cronk: Was there any mention of the Corporations Act?

Ms Moey: I don't recall specifically.

Ms Cronk: Was there any mention of the crown or a crown attorney?

Ms Moey: I don't believe so, but I don't remember one way or the other.

Ms Cronk: Did the minister make any inquiries or ask Ms Luu any questions about the court action that Ms Luu was talking about?

Ms Moey: I remember at one point them talking about letters patent, but I don't recall anything other than that.

Ms Cronk: Did you have any understanding, based on what Ms Luu described about the court proceedings, as to whether it was or was not a civil action?

Ms Moey: No, I don't recall.

Ms Cronk: Do you recall any other discussion about this document or the legal action that Ms Luu mentioned at the meeting?

Ms Moey: No, I don't.

Ms Cronk: Do you have any recollection of the minister asking any questions about that, apart from asking for the document itself?

Ms Moey: No, I don't.

Ms Cronk: Do you recall any discussion between the minister and Ms Luu, as distinct from Ms Luu just talking to the minister, about the second document, the resolution to remove Ms Luu as a director?

Mr Paul R. Johnson (Prince Edward-Lennox-South

Hastings): Excuse me. Ms Luu as a director?

Ms Cronk: Sorry. To remove Ms Pretty as a director. Thank you.

Ms Moey: No, I don't recall that there was much discussion. To the best of my recollection, Ms Luu was showing a notice about a special meeting to remove Ms Pretty from the board of directors.

Ms Cronk: Did you understand from the discussion that that was to be dealt with by the board in a matter of a week or so, that is, June 19th?

Ms Moey: Yes.

Ms Cronk: That was specifically discussed? That's what the document says.

Ms Moey: I think, yes, the date was discussed. Yes.

Ms Cronk: How did the meeting conclude?

Ms Moey: The meeting concluded with Ms Luu asking the minister when would she hear back from her, and the minister indicating to Ms Luu that she would hear back within two weeks.

Ms Cronk: At any point during the meeting, did anyone else join you in the constituency office, in the meeting?

Ms Moey: Not during the meeting. At the end of the meeting, after the point that I thought the meeting had concluded, the formal part of the meeting had concluded, Ms Bell did come into the room to remind Evelyn that they had to go to their next appointment.

Ms Cronk: I just want to clear up one point. Was there any discussion while Ms Bell was there or before or after she was in the room about Ms Luu becoming involved in some committee or some matter on behalf of the minister?

Ms Moey: I don't recall that at all.

Ms Cronk: Do you recall anything related to that?

Ms Moey: No.

Ms Cronk: And was Ms Bell there for more than a minute or two?

Ms Moey: Not that I can recall. She was in there very briefly.

Ms Cronk: Did she leave with her documents when the meeting broke up?

Ms Moey: Who, Ms Luu?

Ms Cronk: Ms Luu.

Ms Moey: Yes, I believe so.

Ms Cronk: Did you have any discussion with the minister after the meeting about what had occurred at the meeting?

Ms Moey: No.

Ms Cronk: Did the minister ask you to seek or find out any further information for her about any of the matters that had been discussed?

Ms Moey: No, she didn't.

Ms Cronk: Did she say anything to you about the information that had been provided to her by Ms Luu?

Ms Moey: No.

Ms Cronk: Did she make any comment to you about

what you'd been told concerning the court docket or the proceedings involving the Van Lang board?

Ms Moey: No.

Ms Cronk: Not even in casual conversation with her?

Ms Moey: No. She had to go off to her next appointment.

Ms Cronk: So did she leave then immediately with Beverlee Bell?

Ms Moey: Very soon after.

Ms Cronk: Did you subsequently have any discussion with the minister about what had occurred at the June 10th meeting, over the course of the next couple of days?

Ms Moey: No.

Ms Cronk: Was your next involvement, then, attendance at the June 17th meeting?

Ms Moey: That's correct.

Ms Cronk: Between the period June 10 to June 17, did anyone from the minister's office in Toronto or from the Ministry of Housing contact you to discuss who would be in attendance at the board meeting?

Ms Moey: It might have been in that week that I spoke to Bill Clement regarding whether or not all the board directors had been notified of the meeting.

Ms Cronk: Was that discussion initiated by you or by him?

Ms Moey: It was by me.

Ms Cronk: For what purpose?

Ms Moey: I wanted to be certain that the notification for the meeting had gone out to every board member, as far as I could and as far as it was appropriate for me to do so.

Ms Cronk: What were you told in that regard?

Ms Moey: Mr Clement told me that he had sent a letter to either the secretary or the president of the board—I don't remember which, but one of those individuals—with the date and time of the meeting, and that he was confident that that individual would then notify the rest of the board.

Ms Cronk: Was there any discussion about Sharron Pretty?

Ms Moey: I might have indicated to him that I wanted to be absolutely sure that Ms Pretty was informed of the meeting.

Ms Cronk: You wanted to make sure she was going to be there or at least had the opportunity to be there.

Ms Moey: Had the opportunity to be there.

Ms Cronk: Was there any longer, given the meeting that had taken place on June 10th with Trinh Luu, any suggestion of her being at the meeting?

Ms Moey: No.

Ms Cronk: Am I right that the only suggestion of her being at the meeting with the board came from her, because she suggested to you that she wanted to be there?

Ms Moey: That's correct.

Ms Cronk: Nobody from the minister's office suggested that?

Ms Moey: No.

Ms Cronk: All right. Apart from your discussion with Bill Clement about who should be at the meeting, did you discuss with anyone from the minister's office, or receive any communication from them in that week before the meeting, as to who should be there?

Ms Moey: No. Well, no, I should not say that. Yes, I was trying to determine who from the regional housing office would be there as well and I was told it would be Brian Sutherland.

Ms Cronk: Did you learn that from the minister's staff in Toronto?

Ms Moey: I don't remember who I learned that from first, but I think I remember speaking to Mr Clement, who confirmed that Mr Sutherland would be there, and I might have spoken to somebody else in the minister's office just to confirm again on that issue.

Ms Cronk: Did anyone at any time suggest to you during that week before the meeting, June 10th to June 17th, that Sharron Pretty was not to be at the meeting with the board?

Ms Moey: Absolutely not.

Ms Cronk: And do I take correctly from your evidence that your expectation was quite the reverse?

Ms Moey: Yes.

Ms Cronk: In fact, you were seeking to ensure that she knew about the meeting so she could be there if she wished to be?

Ms Moey: That's right.

Ms Cronk: And for that reason, you spoke with Bill Clement on at least two occasions, from what you said.

Ms Moey: At least twice that I remember, yes.

Ms Cronk: And you also raised the matter with Karen Ridley.

Ms Moey: Yes.

Ms Cronk: During the week of June 10th to June 17th, did you have any discussion with the minister about either the purpose of the meeting on June 17th, its preparation or the agenda or items to be discussed, anything of that kind?

Ms Moey: None.

Ms Cronk: When a meeting is arranged by the constituency offices, as you did in this case for the minister, whose responsibility is it to prepare an agenda for the meeting?

Ms Moey: There normally is no agenda for a meeting, or at least it's not from our side that an agenda might be produced.

Ms Cronk: So you set the meeting up and that's it.

Ms Moey: Well—

Ms Cronk: Sorry, I'm not meaning to minimize your role, but I'm saying you're not involved in dealing with the actual subject matter of the meeting or what's to occur at the meeting?

Ms Moey: Exactly.

Ms Cronk: And you sometimes accompany the minister to these meetings.

Ms Moey: Sometimes, yes.

Ms Cronk: In this case, were you the person from the constituency office who went to the meeting?

Ms Moey: Yes.

Ms Cronk: Was there any particular reason for that? I mean, did the minister ask you to do that or was that as between you and Sue Lott? How did that work?

Ms Moey: Between the three of us, we basically have to pull straws.

Ms Cronk: Do I understand you to be saying that you had no discussion with the minister prior to the June 17th meeting with the board?

Ms Moey: That's correct.

Ms Cronk: About either its purpose or what was to be discussed at it?

Ms Moey: That's correct.

Ms Cronk: Did you go to the meeting with the minister or meet her there?

Ms Moey: I met her there.

Ms Cronk: Did you have any discussion with her prior to the commencement of the meeting?

Ms Moey: No.

Ms Cronk: What did you think the meeting was all about?

Ms Moey: I thought the meeting was to enable Evelyn to meet personally with the board directors and perhaps to play some sort of mediating role in perhaps alleviating some of the problems that were ongoing at the centre.

Ms Cronk: And was that based on your prior knowledge of the file, or on something that either the minister or someone else had said to you?

Ms Moey: It was based on my prior knowledge of the file.

Ms Cronk: The committee has heard that at the meeting that day—and there's no debate about this, I don't think; I just want to confirm it with you. The committee's heard that at the meeting, in addition to the minister and yourself, the following people were in attendance: Brian Sutherland from the Ministry of Housing in Ottawa.

Ms Moey: Mm-hmm.

Ms Cronk: Sharron Pretty.

Ms Moey: Mm-hmm.

Ms Cronk: And four directors from the Van Lang board of directors. Now, had you met any of the directors from the Van Lang board before?

Ms Moey: No.

Ms Cronk: And you had earlier indicated to the committee that this was the first time you'd met Sharron Pretty.

Ms Moey: That's correct.

1130

Ms Cronk: Did the persons at the table introduce themselves?

Ms Moey: Yes.

Ms Cronk: Do you now recall their names, or would you just be accepting from me who the names were if I gave them to you?

Ms Moey: I think I could recall the names, yes.

Ms Cronk: All right. It's been suggested to the committee that a Dr Tang, a Dr Can Le, Dr Hieu Truong and a Mr My Nguyen were in attendance.

Ms Moey: Mm-hmm.

Ms Cronk: You can confirm that?

Ms Moey: Yes, I confirm that.

Ms Cronk: All right. Was there anyone else at the meeting?

Ms Moey: No one else that you haven't mentioned.

Ms Cronk: I'm sorry, I didn't mention Beverlee Bell.

Ms Moey: Oh, sorry.

Ms Cronk: She was there, wasn't she?

Ms Moey: Yes. Yes, she was.

Ms Cronk: I didn't do that deliberately; I just forgot.

Ms Moey: I know.

Ms Cronk: She was at the meeting?

Ms Moey: Yes.

Ms Cronk: Did you make any notes at the meeting?

Ms Moey: Yes, I did.

Ms Cronk: And did anyone else that you observed make any notes at the meeting?

Ms Moey: I don't remember seeing anyone making copious notes at the meeting, no.

Ms Cronk: Making any notes of any kind?

Ms Moey: I'm afraid I wasn't looking around the room. I was looking down writing notes.

Ms Cronk: Had you been asked to do that by the minister—

Ms Moey: No.

Ms Cronk: —or did you just automatically assume that role?

Ms Moey: The latter.

Ms Cronk: And that was because you'd accompanied her to the meeting from the constituency office?

Ms Moey: That's correct.

Ms Cronk: Did you see the minister herself making any notes during the course of that meeting?

Ms Moey: I can't say that I did.

Ms Cronk: Where were you sitting at the table in relation to where the minister was?

Ms Moey: I was to her right.

Ms Cronk: And who was on your other side?

Ms Moey: I believe Brian Sutherland was to my right, but a little bit removed from the table.

Ms Cronk: Where was Sharron Pretty?

Ms Moey: She was across the table from me to the right.

Ms Cronk: Across the table from you to the right, and the minister was on your left?

Ms Moey: That's right.

Ms Cronk: Does that mean then that from where the minister was sitting, she was looking across at Sharron Pretty but on an angle to the right?

Ms Moey: Yes.

Ms Cronk: And where was Dr Tang sitting?

Ms Moey: Dr Tang was sitting to the left of the minister, but at the perpendicular side of the table.

Ms Cronk: Was this a boardroom table?

Ms Moey: It was a square table. It was a huge table.

Ms Cronk: Okay. And were people sort of spread out or in close proximity at one end of the table?

Ms Moey: There were people all around the table on three sides that I can—sorry, no, four sides. They were pretty much spread out, yeah. It wasn't all grouped together.

Ms Cronk: Sometimes people do that, they cluster at one end, and sometimes they go way off on the other end. People were spread out, or they were just all around the table?

Ms Moey: They were pretty much spread out, yeah.

Ms Cronk: Where was Dr Can Le sitting?

Ms Moey: Dr Can Le was sitting across, directly across from the minister and to the right of Ms Pretty.

Ms Cronk: How far away from the minister would Dr Le have been at the table?

Ms Moey: About perhaps the distance from where I am to slightly in front of Mr Sutherland, I believe.

Ms Cronk: I'm no good at that. For the record, how far would you say that is, 20-plus feet? A car and a half, depending on your car? About right? How far away would Sharron Pretty have been? The same kind of distance from the minister?

Ms Moey: Yeah. She would be where Mr Marchese is sitting. Well, I would say five feet to the front of where Mr Sutherland and Mr Marchese are sitting.

Ms Cronk: So this was a considerable distance across this—this is a big table?

Ms Moey: It was.

Ms Cronk: All right. Did anyone record the meeting that you observed?

Ms Moey: No.

Ms Cronk: How did the meeting begin?

Ms Moey: To the best of my recollection, the meeting began with, well, people introduced themselves, and then the minister made some introductory remarks.

Ms Cronk: What did the minister say by way of introductory remarks?

Ms Moey: I think she thanked everyone for being there, and she said that she had learned of the ongoing problems at the Van Lang Centre and that she was saddened by it. She had also heard that the board was going to remove Sharron Pretty, or thinking of it, and she asked if that was the solution—is this the solution?

Ms Cronk: I'm sorry, I didn't hear the last part?

Ms Moey: She asked if that was the solution to their problems.

Ms Cronk: Did she say anything else initially?

Ms Moey: Not that I can recall.

Ms Cronk: Did she explain what she meant when she said that she was aware of the ongoing problems at the Van Lang Centre?

Ms Moey: No, she didn't explain.

Ms Cronk: Did anyone ask?

Ms Moey: No.

Ms Cronk: And how did discussion at the meeting then progress? Was there any set agenda, formally or informally, or did people just join in discussion on various issues?

Ms Moey: The latter.

Ms Cronk: Could I ask you to look at tab 81, please. There's a fax cover sheet dated June 20th, 1994. You may not have that.

Ms Moey: No.

Ms Cronk: I have that in mine. All right. Then there's a series of handwritten notes. Are these the notes that you made at the meeting?

Ms Moey: They are.

Ms Cronk: Please explain to the committee how you went about making these notes, how you were physically doing it during the course of the meeting.

Ms Moey: These are not verbatim notes. I tried as much as I could to record the topics of conversation and what I thought were perhaps responses or questions that would give a reasonably accurate picture of the discussion under that topic or about that topic.

Ms Cronk: In your view, do these notes include everything that was said at that meeting?

Ms Moey: Most certainly not.

Ms Cronk: Are they intended to have captured or have highlighted every topic discussed and some of the discussion around it?

Ms Moey: No.

Ms Cronk: What were you trying to do, then?

Ms Moey: I was trying to have a reasonable record of what was being discussed, or at least the more important topics that were being discussed, and also, the reason I take notes to begin with is to make sure that I can refer to them if, during the course of the meeting, the minister makes a request of me to do something or to find something, that sort of thing.

Ms Cronk: Mm-hmm. When the minister arrived at the meeting, did she say anything to you about the presence of Sharron Pretty at the meeting?

Ms Moey: No.

Ms Cronk: Was any comment made of any kind?

Ms Moey: No.

Ms Cronk: Did she seem to you to be surprised in any way that she was there?

Ms Moey: No.

Ms Cronk: By anything that you observed?

Ms Moey: No.

Ms Cronk: And with respect to—I'm just going to look at your notes for a moment because mine are a bit

different; excuse me. Can I just ask you to look at page 4 of your notes, Ms Moey.

Ms Moey: Mm-hmm.

Ms Cronk: As I read the first four pages of your notes—first of all, was the entirety of these notes made during the course of the meeting?

Ms Moey: Yes, they were.

Ms Cronk: Was any portion of these notes made after the meeting?

Ms Moey: The only thing that was made after the meeting on these four pages are the page numbers at the top of each page, and there's an asterisk on page 4, towards the bottom, and a little bracket. That was added after the meeting.

Ms Cronk: Who added that?

Ms Moey: I did.

Ms Cronk: When?

Ms Moey: When I was asked to fax up my notes from the meeting, and I did that as a—what I thought to be a helpful thing.

Ms Cronk: Were you doing that to identify what you thought was a relevant portion of the notes?

Ms Moey: Mm-hmm.

Ms Cronk: And was any other portion of these notes made after the meeting, apart from the asterisk and that bracket?

Ms Moey: I assume the little box on the bottom is—

Ms Cronk: Oh, I'm sorry, yes. That was added by our offices.

Ms Moey: Yes, that's right.

Ms Cronk: With respect to page 4, then, and the part of your notes that you identified with an asterisk, would I be correct in assuming that the initials Ev refer to Evelyn?

Ms Moey: Yes, you would.

Ms Cronk: Are the remarks, then, written down here next to her initials, remarks that she made at the meeting?

Ms Moey: Mm-hmm.

Ms Cronk: And while you made these notes, were you trying to write down the words that the speaker was using or were you paraphrasing as you went?

Ms Moey: I try not to paraphrase, but of course I often don't have the opportunity to capture the entire sentence, but I do try to use the words that were being used.

1140

Ms Cronk: Should I take from that, then, that the words that you record are the words used by the speaker but you might not get all of them?

Ms Moey: Absolutely.

Ms Cronk: And this particular entry reads, "Ev—to the board," and then there's an arrow. What does that mean?

Ms Moey: That means, in my fashion of taking notes, that Evelyn said to the board in general.

Ms Cronk: To the board in general?

Ms Moey: Mm-hmm.

Ms Cronk: "Can these things be resolved without legal proceedings and removal of directors."

Ms Moey: That's right.

Ms Cronk: Am I reading that correctly?

Ms Moey: Mm-hmm.

Ms Cronk: Then the initial "S" appears and "Pretty"—I take that to be Sharron Pretty—with a dash, "doesn't think she can work with this board." Am I reading that correctly?

Ms Moey: Yes.

Ms Cronk: All right. Did the minister make the comment that you've written down there?

Ms Moey: No, Sharron Pretty did.

Ms Cronk: I'm sorry, the one attributed to her. Did the minister make the comment beside the initials "Ev" that you've written down?

Ms Moey: Yes, she did.

Ms Cronk: Did Ms Pretty make the comment beside the dash attributed to her name on the notes?

Ms Moey: Yes, she did.

Ms Cronk: All right. As I read the notes, Ms Moey, the only prior reference in these notes, as I read them, to the removal of directors is the entry on the first page of your notes, right at the beginning of the notes, concerning the "removal of S. Pretty—is that the solution?"

Ms Moey: Mm-hmm.

Ms Cronk: Would I be correct in assuming that that's a statement made by the minister during the course of her introductory remarks at the outset of the meeting?

Ms Moey: Yes.

Ms Cronk: Right. Do you remember at any point between the start of the meeting and the entry recorded at page 4 any further discussion about the issue of removing Sharron Pretty as a director?

Ms Moey: No.

Ms Cronk: Do you recall any discussion at any point in the meeting up to that entry at page 4 about legal proceedings?

Ms Moey: No.

Ms Cronk: Do you recall any discussion or anyone mentioning up to that point in the meeting outstanding actions, whether by the board or by Sharron Pretty?

Ms Moey: No.

Ms Cronk: Or referring to actions generally in the context of what the parties around the table were or were not doing with one another?

Ms Moey: No.

Ms Cronk: Do you recall any discussion prior to this point in the meeting of a court case or a lawsuit or charges?

Ms Moey: No.

Ms Cronk: Do you remember any discussion up to this point in the meeting of a crown attorney, of a prosecutor, of the justice system, anything like that?

Ms Moey: No.

Ms Cronk: All right. Could you please explain to the committee, as best as you now remember it, the context in which that remark was made by the minister and how the discussion unfolded? Before you do so, to be fair to you, I'm assuming that this entry, like the others that you've described, does not include all of the discussion on that issue.

Ms Moey: Thank you, yes.

Ms Cronk: Is that correct? Sorry, Ms Moey, just for the record, am I right in that it doesn't include all the discussion on that issue?

Ms Moey: That's right.

Ms Cronk: Okay. Could you describe to the committee, please, the context, as you recall it, at the point in the meeting when this came up and what you remember being said?

Ms Moey: Well, prior to this point in the meeting the discussion had been on the issues of tenant selection at the centre, referral lists from the local housing authority, questions like that. It was mostly to deal with tenant selection, just prior to this point in time in the meeting, also about the maintenance at the building. There was some discussion regarding the superintendent and an outside consultant for preventative maintenance. I remember Brian Sutherland had joined the discussion at that point to say that he had recommended to the board that perhaps this was not the typical way of doing things. At this point then, the minister asked the board in general if these issues, these preceding issues, could be resolved without legal proceedings and removal of directors.

Ms Cronk: What happened then?

Ms Moey: Sharron Pretty said that she didn't think she could "work with this board."

Ms Cronk: Did the minister make any reply to that?

Ms Moey: Not that I can recall.

Ms Cronk: Did the discussion continue or turn to other things?

Ms Moey: Shortly after this point, the minister asked the board in general if they could think about meeting one final time to discuss the two major concerns and then focus on resolving those questions.

Ms Cronk: Was there any response offered from anyone at the table to that suggestion?

Ms Moey: Some of the board members were indicating by nods or by smiles that they were amenable to the suggestion. I can't remember, you know, who nodded or who smiled, and Evelyn was—I remember her saying: "You don't have to give me an answer now. Please take some time to think about it."

Ms Cronk: Had she said that kind of thing at any prior point in the meeting?

Ms Moey: Yes, actually she had.

Ms Cronk: To whom?

Ms Moey: She said it to all the board members, but I remember particularly she said it to Ms Pretty.

Ms Cronk: Earlier in the meeting or at this point?

Ms Moey: Earlier in the meeting and also at this point.

Ms Cronk: Was there agreement to a further meeting?

Ms Moey: I think my reading of the room at the time was that there was agreement to consider this meeting.

Ms Cronk: When you say your "reading of the room," that's your interpretation of what was happening around the table?

Ms Moey: Yes, that's right.

Ms Cronk: Did, by what was said at the meeting, it seem to you to have been an agreement to meet?

Ms Moey: Some people were whipping out their daytimers to look at a possible date. I think actually one of the board directors approached Sharron Pretty and said, "Would this date be"—or something to that effect—"convenient for you?" and she said that she would have to check, she didn't know. So that's what I mean when I say that my reading was that there had been general agreement to think about having this meeting.

Ms Cronk: What was the tone of the meeting at that point?

Ms Moey: Um—

Ms Cronk: Did it seem in any way stressful? Did it seem like the meeting was building in any way to that discussion? Were people relaxed? How did it seem?

Ms Moey: Well, I would characterize that particular point in the meeting as a point at which tension had been lifted.

Ms Cronk: That's when people were taking their books out to look at dates and Ms Pretty said she'd have to check her calendar?

Ms Moey: Mm-hmm.

Ms Cronk: What about immediately prior to that, when the minister asked if these things could be resolved without legal proceedings and removal of directors and whether people, the board, could meet in general to discuss the two outstanding issues?

Ms Moey: There wasn't a lot of time devoted to that particular discussion. It wasn't particularly tense at that point, I don't think.

Ms Cronk: At what point in the meeting did this part of the discussion come up? Your notes conclude over on the next page. There are very few further entries. At what point in the meeting do you recall this one entry?

Ms Moey: It was probably towards the very end of the meeting. I would put it maybe within the last 10 or 15 minutes of the meeting.

Ms Cronk: Just looking at page 5 of your notes for a moment, or at least the last page of them, in your last entry there are words again attributed to, I take it, the minister.

Ms Moey: Yes.

Ms Cronk: "Ev suggested a facilitator to come to meetings, ie, someone from ONPHA?"

Ms Moey: Yes.

Ms Cronk: "Hieu...accepted this proposal. Board will set up meeting. Brian to ask someone from ONPHA to facilitate."

Now, just stopping there for a moment, that entry

suggested to me, Ms Moey, that you thought agreement had been reached to set up a meeting, because you've got, "Board will set up meeting."

Ms Moey: Right. Well, if I could explain that, I guess sometimes people's notes are only understandable to the author. What I meant by this entry, Ms Cronk, is that when Evelyn suggested, in response to what Ms Pretty had previously said about the ministry staff person who had been at previous meetings, Evelyn suggested that perhaps a facilitator could come out to the meetings and she suggested somebody from ONPHA. Mr Hieu said yes, that would be fine. That's what I meant when he said "accepted this proposal" for a facilitator.

And the next entry, "board will set up meeting," to the best of my recollection, by that I meant that the board will have a meeting if there's an agreement on a date, that sort of thing. It was more that if there was to be a meeting, then "the board will obviously set it up. We'll send out the notices and that sort of thing."

1150

Ms Cronk: I see. Could I back you up then, Ms Moey, and have a better understanding from you of certain aspects of what you've told the committee. Let me just back up. Looking at your own notes, the preceding entries at page 4 in part concern a discussion of deep-core referral matters, the OCHRA referral list—it seems to be a discussion about the tenant access issue. Is that fair?

Ms Moey: Yes.

Ms Cronk: And Sharron Pretty, by virtue of the entry in the middle of the page at page 4, appears to have suggested, according to your notes, that she was putting together documents to prove that there was still a problem in that connection?

Ms Moey: Mm-hmm.

Ms Cronk: And she also seems to have suggested, according to your notes, that people had been solicited, I take it, to live at the Van Lang Centre from outside the Ottawa area for the last few vacancies. That was an assertion she was making?

Ms Moey: Yes.

Ms Cronk: Right. And then you have the entry, to which I've drawn your attention, concerning the query or question by the minister. Would you agree with me that in the matters outlined in your notes before that point in the meeting, you have made recordings of a number of topics being discussed, and based on the introductory remarks of the minister, two of the matters referred to early on in the meeting were the compliance review conducted by the Ministry of Housing and the removal of Sharron Pretty. Those were mentioned at the beginning of the meeting?

Ms Moey: Yes.

Ms Cronk: And then there's discussion of a number of topics, and you've recorded various people saying various things.

Ms Moey: Mm-hmm.

Ms Cronk: And there's further discussion of the compliance report at the bottom of page 2 of your notes.

Ms Moey: Yes.

Ms Cronk: And then, as I read it, at the bottom of page 2 it's the minister talking. There are comments attributed to her, specifically the comment about the compliance report.

Ms Moey: Mm-hmm.

Ms Cronk: And over at the top of page 3, the following entry appears: "Stress and strain on board—is a concern—tends to undermine the capabilities." Who was speaking at that point?

Ms Moey: The minister was.

Ms Cronk: All right. And then the next topic discussed is how certain of the individuals on the board got along with one another. It seems to be a response to the comment that there was a problem, that there was stress and strain on the board.

Ms Moey: No.

Ms Cronk: How am I misreading that?

Ms Moey: The "stress and strain on the board" entry was indeed by Evelyn and she said this was a concern because this sort of stress tends to undermine the capabilities of people who otherwise have very fine abilities and who have come together to work towards a common and worthy goal. The next entry really was a response—I'm not sure if it's a response, but this was Dr Tang and Dr Le talking about Ms Luu and the superintendent and that whole issue.

Ms Cronk: And how they did or didn't get along.

Ms Moey: Right.

Ms Cronk: All right. So the minister's made a comment about stress and strain on the board and how that was an undermining influence, if I can put it that way, undermining the capabilities?

Ms Moey: Yes, that's right.

Ms Cronk: Then if you go over to page 4, the second comment attributed to her at the top of the page, again by her initials: "There's a breakdown in board members' ability to work together." You see that?

Ms Moey: Mm-hmm.

Ms Cronk: So that in the context of how the meeting progressed and the discussion leading up to the comment to which I drew your attention, the minister appears, at least by those comments—and I recognize other matters are discussed as well. She's asked, for example, Ms Pretty to be more specific about her concerns concerning tenant participation and access, but the minister has identified at the table and has raised the issue of problems at the board level, there being stress and strain. Her language, as you recorded it, suggested a perception by her of a breakdown in the board's ability to work together. Correct?

Ms Moey: Correct.

Ms Cronk: All right. What did you understand the minister to mean when she said to the board, "Can these things be resolved without legal proceedings and removal of directors"? Am I right that the only removal-of-a-director suggestion discussed in any way at the meeting related to the removal of Sharron Pretty?

Ms Moey: That's correct.

Ms Cronk: And that the minister had indicated from the outset that she was aware of that?

Ms Moey: Mm-hmm.

Ms Cronk: And you certainly knew she was aware of it, because you'd been at the meeting on June 10th when she was given a copy of the resolution concerning the removal?

Ms Moey: That's correct.

Ms Cronk: Was there any discussion about any legal proceedings at any point prior to this remark?

Ms Moey: Not prior to this remark, no.

Ms Cronk: Did she explain what she meant by that?

Ms Moey: By—

Ms Cronk: By the use of the phrase "legal proceedings"?

Ms Moey: No, she didn't.

Ms Cronk: Is it your evidence to this committee that, to the best of your recollection and based on the way you make notes, those were her words?

Ms Moey: Mm-hmm.

Ms Cronk: Were you paraphrasing at that point?

Ms Moey: No, I wasn't.

Ms Cronk: What legal proceedings did you understand she was referring to?

Ms Moey: I understood that she was referring to whatever legal action Ms Pretty had initiated against the other board members that had been reported in the Sun article of June 1.

Ms Cronk: You were aware of those proceedings, you told the committee, because you saw the Wallace article on June 1.

Ms Moey: Mm-hmm.

Ms Cronk: You had some discussion, although of minimal nature, with Sue Lott about it.

Ms Moey: That's correct.

Ms Cronk: And you knew that the minister was aware of that, as were you, because there had been further discussion about it at the June 10th meeting with Trinh Luu.

Ms Moey: That's correct.

Ms Cronk: Indeed, she'd seen the court docket, as had you.

Ms Moey: Well, I didn't look at it, but—

Ms Cronk: I mean you physically had it copied; I don't mean you read it.

Ms Moey: That's right.

Ms Cronk: But the minister received it, and there was discussion about it.

Ms Moey: Mm-hmm.

Ms Cronk: What did you understand was being suggested by that remark by the minister?

Ms Moey: I understood it to be a suggestion that the board of directors, including Sharron Pretty, think about whether or not they could try one more time to resolve their differences. Her suggestion would be if they would

think about having one last meeting to do that before proceeding with whatever actions they were proposing at the time.

Ms Cronk: Was there any discussion about possible outcomes of that further meeting, what that further meeting might lead to or result in?

Ms Moey: Yes.

Ms Cronk: What was the discussion on that aspect?

Ms Moey: Ms Pretty indicated that the legal action that she had initiated was not in her hands. She said, "It's not in my hands; it's in the hands of the crown" or "the crown attorney," words to that effect. Ms Gigantes said: "Yes, you're right. It's not in your hands. It is in the hands of the crown. However, if after you have this meeting, should you decide to have this meeting, you felt that these matters were on their way to being resolved, then perhaps that would be of interest to the crown."

Ms Cronk: Did Ms Pretty make any reply to that?

Ms Moey: No. After her initial "It's not in my hands," I don't believe she did.

Ms Cronk: What did you understand the minister to be saying?

Ms Moey: I understood the minister to be saying, "First of all, you have to decide if you even want to have this last meeting that I'm suggesting, and if you do, after this meeting, if you felt that your differences with the rest of the board were on their way to being resolved or had a good possibility of being resolved, then perhaps you might want to indicate that or that might be of interest to the crown."

1200

Ms Cronk: Was there any discussion of what the other board members, what the board might do or not do as a result of a further meeting of that kind?

Ms Moey: I think by implication—I don't know if that was specifically discussed—that they would on their part after that meeting, should they decide to have it, if they also felt that things were on their way to being resolved, they might reconsider removing Ms Pretty from the board.

Ms Cronk: Did the minister say that?

Ms Moey: I don't recall that she did.

Ms Cronk: And when you say you don't recall, do you recall one way or the other?

Ms Moey: I don't recall one way or the other.

Ms Cronk: It's been suggested in other evidence before the committee that in fact the minister strongly recommended to the board that they reconsider removing Sharron Pretty as a director. Is that your recall of the meeting?

Ms Moey: That's not my recollection of the meeting. At no time during this meeting did the minister strongly do anything, in my opinion.

Ms Cronk: Either to the board or to Sharron Pretty?

Ms Moey: That's correct.

Ms Cronk: And with reference to what the discussion was concerning this proposed further meeting, did you understand from what the minister was saying and the

exchange she had with Sharron Pretty that it was being suggested that if the parties met again for one further meeting to see if they could work things out, and if Sharron Pretty on the one hand was satisfied that things were either resolved from her point of view or were on the way to being resolved, she should reconsider or could then reconsider her action and that might be of interest to the crown?

Ms Moey: That's correct.

Ms Cronk: Have I got that right so far?

Ms Moey: You've put that much better than I have. Thank you.

Ms Cronk: I'm not trying to do that. I'm just trying to understand. Is that the essence of that part of the suggestion, as you understood it?

Ms Moey: Yes.

Ms Cronk: And that was coming from the minister in the sense of what she was saying?

Ms Moey: Yes.

Ms Cronk: And was the additional part of that that from the board's perspective, if that further meeting went ahead and if the board were satisfied that things were being resolved, they would also be able to reconsider and perhaps not proceed to remove Sharron Pretty?

Ms Moey: That's correct.

Ms Cronk: Did she ever specifically say that?

Ms Moey: I don't recall one way or the other if she specifically said that.

Ms Cronk: Ms Moey, we've been here, as you know, all week, and the committee has now heard from virtually everyone who was at that meeting. There is, as perhaps there always is when you have that many people at a meeting, variance of recall and variance of evidence as to what exact words were. All right?

Ms Moey: Mm-hmm.

Ms Cronk: I've asked many questions of people about precise language that was used. You are the only person who made detailed, although not complete nor comprehensive, notes of what occurred at the meeting. I want to ask you quite simply: Based on what the minister said towards the conclusion of the meeting with Sharron Pretty and to the board, was there any doubt in your mind that what was being proposed was that if the parties would consider a further meeting, they might yet be able to work things out? Have I got the first part right?

Ms Moey: Yes.

Ms Cronk: And that were that to occur, if that further meeting were to be held, and if Sharron Pretty on the one hand were satisfied that things were either resolved or on their way to being resolved, to use your language, she might reconsider her court case and that might be of interest to the crown?

Ms Moey: Mm-hmm.

Ms Cronk: And that the board, on the other, might reconsider its position, including refraining from removing Sharron Pretty as a director?

Ms Moey: That's correct.

Ms Cronk: That's a clear understanding on your part?

Ms Moey: Yes.

Ms Cronk: So if I don't get the right language of how it was said, there was no doubt in your mind that that's what was on the table?

Ms Moey: That's right.

Ms Cronk: Did you think, based on what was said at the meeting, that an agreement had been reached to consider meeting for that purpose, or to actually meet for that purpose?

Ms Moey: It was my understanding that there was an agreement to consider to meet, but—and this is just my interpretation of the mood in the room at the time—that a meeting was very possible, very likely.

Ms Cronk: Indeed, wouldn't it be fair to suggest, based on what you've described—you said a couple of directors whipped out their daybooks, were looking at appointment books—you had people on that side of the table getting a meeting on the table.

Ms Moey: Exactly.

Ms Cronk: They weren't going to put it in writing. They were prepared to meet.

Ms Moey: Right.

Ms Cronk: Ms Pretty, on the other hand, said she couldn't agree to a date. Is that right?

Ms Moey: Yes.

Ms Cronk: Did she say or do anything, though, that indicated to you an unwillingness to meet, or was it just an unwillingness to name a date, a time, a specific time? What did you understand from what occurred?

Ms Moey: What I understand from what I observed was that she was unwilling to name a date at the meeting. She was unwilling to name a date.

Ms Cronk: Did she say or do anything that suggested to you that she was unwilling to meet per se, as distinct from being unwilling to name a specific time at that meeting?

Ms Moey: No.

Ms Cronk: It has been suggested in evidence, again by others before the committee, that during the course of the meeting Ms Gigantes used the phrase "drop the charges" or "dropping the charges" and that—there's no mystery to this; this is Sharron Pretty's evidence before the committee and her statements elsewhere—during the course of that meeting on more than one occasion the minister said to her that she should consider dropping her charges or raised the prospect of the charges being dropped. Do you recall that language being used by the minister at any point in the meeting?

Ms Moey: No.

Ms Cronk: Did anyone that you now recall—and you may not remember one way or the other, and if so, it's very important that you tell the committee that. But do you remember whether anyone else at the meeting used those words "drop the charges" or "dropping the charges"?

Ms Moey: I don't remember hearing that phrase used at the meeting, or that language, I should say.

Ms Cronk: Do you recall at any point the minister

suggesting to Ms Pretty or saying to Ms Pretty words which led you to understand that she was suggesting that Ms Pretty go to see the crown to discuss withdrawing her proceedings?

Ms Moey: Only in so far as—I mean, she prefaced that—I don't know how to put this. She said that if Sharron Pretty felt, after this meeting, should it occur, that the problems were on their way to being resolved or were resolved, she might—"she" being Sharron Pretty—that might be of interest to the crown, that Sharron Pretty might reconsider. That's what I took from that particular portion of the meeting.

Ms Cronk: Was anything said at the meeting or did anyone at the meeting use the word "deal": "Let's try to make a deal" or "work this out so that we have a deal"?

Ms Moey: No.

Ms Cronk: Was there at any time during the course of the meeting a suggestion by Ms Gigantes that she would speak to the crown?

Ms Moey: No.

Ms Cronk: Or that she would have someone do so?

Ms Moey: Absolutely not.

Ms Cronk: And no one suggested that at the meeting to her?

Ms Moey: No.

Ms Cronk: Was there any suggestion at the meeting that this matter, meaning the action, and information that might or might not be of interest to the crown shouldn't be discussed? Did anybody say that at the meeting?

Ms Moey: No.

Ms Cronk: Did you understand that what was being proposed was that the parties meet to try to work their difficulties out and if they could do that or if it looked like they might, then Ms Pretty should drop or—I shouldn't use the controversial phrase—should withdraw her charges and the board should refrain from removing her as a director?

Ms Moey: There was no direct referral to such a concrete set of actions at all. As far as I can recall, it was a suggestion that people first of all consider to meet and then afterwards they could then reconsider.

Ms Cronk: Their respective positions?

Ms Moey: Exactly.

Ms Cronk: And in the case of Sharron Pretty, that reconsideration was withdrawal of her charges or not proceeding with her charges?

Ms Moey: That wasn't specifically mentioned, but by logical—well, "withdrawal of charges" was not mentioned, to the best of my recollection.

Ms Cronk: All right. What language was it, then?

Ms Moey: It wasn't any language. As far as I can recall, the suggestion was merely this: that people think about having one more meeting to see if they could resolve their differences, and after that meeting, should it occur, those people then would be in a better position to reconsider whatever actions they were contemplating at this point. There was no further elaboration on what those actions might be.

Ms Cronk: Save in the case of Sharron Pretty. You said there was specific reference to what "might be of interest to the crown."

Ms Moey: That's right, if she were to reconsider, then—

Ms Cronk: And the only thing that she would reconsider that might be of interest to the crown is what the crown was involved in, and that was her court case.

Ms Moey: Right.

Ms Cronk: And with respect to the board, the only thing that was on the table to be reconsidered was removal of Sharron Pretty, right?

Ms Moey: Yes, that I was aware of.

Ms Cronk: So that's what you understood was meant by that.

Ms Moey: Yes.

Ms Cronk: Okay. At any point during the course of the meeting, did the minister say to any of the people at the meeting: "Don't feel pressured. You're not to feel pressured. Take your time"?

Ms Moey: Yes, she did.

1210

Ms Cronk: Specifically with respect to not feeling pressured?

Ms Moey: Yes. Specifically she said that to Sharron Pretty several times.

Ms Cronk: Do you remember this suggestion of the further meeting, with that possible outcome we've discussed—I'm not going to ask you about it again—people reconsidering in the way that you've described, being suggested more than once or simply once?

Ms Moey: Would you ask that again, please?

Ms Cronk: Yes. I just don't want to ask about with the exact language of it again. You said there was a proposal for a further meeting where if things either were resolved or looked like they were going to be resolved, certain things might happen, and you've described what they were. I'm saying, did that come up once or more than once?

Ms Moey: The proposal of a meeting was repeated, I think, one other time.

Ms Cronk: In the context of what might or might not happen at that meeting or follow on that meeting?

Ms Moey: No. The proposal of the meeting was made again, and it was just that: "Can people think about having another meeting?"

Ms Cronk: At any point during the course of the meeting, did Sharron Pretty indicate that she was feeling under pressure or felt intimidated by what was going on?

Ms Moey: I remember a few times during the meeting when I thought that Sharron Pretty must be feeling—must be wishing she wasn't sitting next to another board director.

Ms Cronk: Who was that?

Ms Moey: I think that would have been Mr Hieu Truong.

Ms Cronk: Why did you feel that?

Ms Moey: Because those two directors had a few heated exchanges.

Ms Cronk: And is it correct that at one point in the meeting she effectively called him on the way he was behaving towards her or the way he was addressing her?

Ms Moey: She very well might have.

Ms Cronk: Did you hear her doing it? Didn't she at one point turn to him and challenge what he was saying or the way he was saying it to her?

Ms Moey: Yes, she did.

Ms Cronk: Sorry. You might not have understood the expression I was using. Didn't she basically call him on the way he was behaving with respect to her?

Ms Moey: Yes.

Ms Cronk: And she seemed upset about that?

Ms Moey: No. I thought she handled herself really well.

Ms Cronk: Was there then tension evident to you, at least between Sharron Pretty and Dr Truong?

Ms Moey: Yes.

Ms Cronk: Generally, did you feel from time to time during the course of the meeting that there was tension in the room?

Ms Moey: Yes, between and among the directors.

Ms Cronk: Was it, from your perspective, a difficult meeting?

Ms Moey: I think it was difficult for a number of people who were participating in the meeting.

Ms Cronk: Did Ms Pretty seem to you to be under stress during the course of the meeting? Was she acting as if it were a difficult meeting for her?

Ms Moey: Only during her exchanges with Mr Truong.

Ms Cronk: Was Ms Pretty pressed at any point by a co-director or by the minister to answer clearly to a date either for the proposed further meeting or to agree to reconsider her charges?

Ms Moey: No.

Ms Cronk: At any point, did Mr My Nguyen make that suggestion to her?

Ms Moey: I don't recall Mr Nguyen saying very much at the meeting.

Ms Cronk: Was there a point at the meeting when all eyes seemed to be on Sharron Pretty?

Ms Moey: Not in my recollection, no.

Ms Cronk: Or that the attention of the meeting was focused on Ms Pretty and her response to anything that was being proposed?

Ms Moey: I think that whenever she was speaking, everyone in the room looked at her, just as whenever somebody else was speaking everyone looked at them.

Ms Cronk: So from your perspective, that was no different for her than for others at the table?

Ms Moey: That's right.

Ms Cronk: When the meeting concluded, did you have any discussion with Sharron Pretty?

Ms Moey: We shared an elevator downstairs and we walked together, for a part, through the Rideau Centre.

Ms Cronk: Who's "we"?

Ms Moey: Myself, Ms Pretty, Ms Gigantes and Ms Bell.

Ms Cronk: Did Ms Pretty at that time—how did she seem to you?

Ms Moey: She seemed fine.

Ms Cronk: Did she seem upset in any way?

Ms Moey: Not that I noticed, no.

Ms Cronk: What were your lunch plans that day?

Ms Moey: Ms Gigantes and I were going to buy something to eat at the Rideau Centre and take it back with us to the riding office before the next appointment.

Ms Cronk: Did any discussion concerning lunch take place between Ms Pretty and the minister that you heard, or with yourself?

Ms Moey: Yes.

Ms Cronk: What was that discussion?

Ms Moey: When I indicated to Ms Gigantes that we should perhaps stop at a certain food establishment at the Rideau Centre on our way out and perhaps get our lunch there, Ms Pretty asked the minister—us, I mean. She didn't preface it by a specific name. She just said: "Oh, are you having lunch here? May we join you?" She had earlier indicated that she was meeting Ms Luu. I answered that no, unfortunately our schedule did not allow us to actually have lunch in the Rideau Centre and we were going to have to buy our lunch and leave, and then we said our goodbyes.

Ms Cronk: Was Ms Luu with Ms Pretty at that point, or was she en route to meeting her, as far as you knew?

Ms Moey: As far as I knew, Ms Pretty was en route to meeting Ms Luu.

Ms Cronk: At any point from the time you left the meeting and went down in the elevator, when you were walking through the Rideau Centre or had this discussion about where you were or were not going to have lunch, at any point did Sharron Pretty seem to you to be upset?

Ms Moey: No.

Ms Cronk: I assume that you, the minister and Sharron Pretty were together throughout that.

Ms Moey: Yes.

Ms Cronk: At any point, did she say to the minister, that you overheard, that she had felt pressured or intimidated at the meeting?

Ms Moey: No.

Ms Cronk: Did she have any private conversation with the minister during that period of time that you observed?

Ms Moey: No.

Ms Cronk: Could I ask you, finally, to look at volume 3—I think you still have it in front of you—at tab 90, if you would, please. This is an e-mail by Brian Sutherland to Steve Shapiro of his offices on Friday, June 17. Mr Sutherland, of course, was at the June 17 meeting with the minister.

Ms Moey: Yes.

Ms Cronk: It's an e-mail that was prepared—when do you recall the meeting breaking up?

Ms Moey: About 1 o'clock.

Ms Cronk: If that was the case, this would appear to have been prepared within approximately two and a half hours of the conclusion of the meeting.

Ms Moey: It would appear so.

Ms Cronk: A short time thereafter?

Ms Moey: That's right.

Ms Cronk: In this e-mail message to Mr Shapiro, among other matters, Mr Sutherland comments with respect to the June 17 meeting and what had just occurred at it, "In any event, I believe that the minister was able to convince Sharron and the other board members to work toward a resolution of the matter prior to the charges being considered by the court early next month."

Stopping there, was there mention at the meeting of the next scheduled or anticipated court date?

Ms Moey: No.

Ms Cronk: Do you remember any discussion about a court date at all?

Ms Moey: No.

Ms Cronk: With respect to what occurred at the meeting and the exchanges between the minister and Sharron Pretty that you observed, do you agree or disagree that the minister was attempting to convince Ms Pretty of anything?

Ms Moey: I disagree.

Ms Cronk: Do you agree or disagree that the minister was attempting to convince the other board members of anything?

Ms Moey: I disagree.

Ms Cronk: Well, looking at the language of what Mr Sutherland is saying, the actual language used is "that the minister was able to convince Sharron and the other board members to work toward a resolution of the matter." Do you see that?

Ms Moey: Mm-hmm.

Ms Cronk: Wasn't the minister trying to persuade these people to get together and work their difficulties out?

Ms Moey: Yes, to work their difficulties out.

Ms Cronk: Towards a resolution of their difficulties?

Ms Moey: Perhaps I misspoke myself. What I meant to say was that the minister was trying to get them to consider to have this other meeting to work their difficulties out, if possible.

Ms Cronk: Wasn't she trying to persuade them to get together to try to come to a resolution of their difficulties?

Ms Moey: Yes.

Ms Cronk: And wasn't she trying to convince them to get together to do that?

Ms Moey: I don't think she was trying to "convince" anyone.

Ms Cronk: So it's the connotation of the word that

you're having difficulty with.

Ms Moey: Yes.

1220

Ms Cronk: Is that because you felt she was or was not attempting to persuade them to decide anything?

Ms Moey: Exactly.

Ms Cronk: All right. Apart from that, do you agree that what the minister was attempting to do at the meeting was to achieve the result of having these people come together to try to work out a resolution of their difficulties? She wanted them to get back together?

Ms Moey: I think that would have been the best-case scenario in her mind, but I don't think she had any preconceived notions of whether or not that would happen, could happen.

Ms Cronk: Was there any other option put on the table by the minister or anyone else as to what might occur in the future?

Ms Moey: No.

Ms Cronk: Thank you, Ms Moey, those are my questions. I have two housekeeping items for you, if I might. They're unrelated to the June 17th meeting.

A number of questions have arisen during the course of the week concerning a letter of October 29th, 1993, written by Sharron Pretty to the minister, Ms Gigantes. I recognize that you were on maternity leave at the time, but you are the last witness from the constituency office, so I'm just going to ask you to verify a date stamp on a couple of copies of letters, if I might.

Ms Moey: Of course.

Ms Cronk: I'm showing you an original copy of a letter dated October 29, 1993. It's to Ms Gigantes and it appears to be signed by Sharron Pretty. Am I correct that there's an address of the sender, Ms Pretty, in the top right-hand corner, together with a telephone number?

Ms Moey: That's correct.

Ms Cronk: Is there a date stamp on the back of this document?

Ms Moey: Yes, there is.

Ms Cronk: What does it say?

Ms Moey: It says, "Received November 5, 1993, minister's office, Ministry of Housing."

Ms Cronk: All right. November 5, the minister's office, Ministry of Housing. I take it at some point you've seen this letter.

Ms Moey: I understand now there is more than one version of this letter.

Ms Cronk: Yes, that's why we're having this discussion. But have you seen a version or more of the October 29th letter?

Ms Moey: I have seen at least one version of this letter, yes.

Ms Cronk: Okay. I'm showing you a second version of this letter, also dated October 29, 1993. This one, would you agree, is on the letterhead of the Van Lang Centre?

Ms Moey: Yes, it appears to be.

Ms Cronk: And there's a stamp on the top right-hand corner of it?

Ms Moey: Mm-hmm.

Ms Cronk: And that's November 2, 1993?

Ms Moey: That's right.

Ms Cronk: Can you confirm that this copy of this letter also came from the constituency office's files, or do you know?

Ms Moey: I'm sorry. Are you saying that the previous copy that you showed me came from the constituency—

Ms Cronk: No. I'm saying the one before you, bearing this date stamp of November 2, 1993, came from the constituency office files, or do you know?

Ms Moey: I think this copy was sent here from the constituency office.

Ms Cronk: Was sent "here," meaning Toronto?

Ms Moey: Yes, to the committee.

Ms Cronk: Okay, thank you very much. With respect to the copy that's on the letterhead of the Van Lang Centre, there's a fax stamp on a duplicate copy of page 1, and is that expressed to be "To: Marc Collins"—

Ms Moey: "Housing," I think it is.

Ms Cronk: "Marc Collins, Housing." And then "From"—can you read that?

Ms Moey: Yes, that's Carolyn Emond.

Ms Cronk: Who is that?

Ms Moey: She is our correspondence assistant, part-time.

Ms Cronk: All right. Does that suggest to you that this was faxed to Marc Collins, from the constituency office, as you just suggested?

Ms Moey: Yes.

Ms Cronk: In the comment section, does it indicate that "Ev has asked that you look into this letter"?

Ms Moey: Mm-hmm.

Ms Cronk: Underneath the fax stamp, there appears to be an address of the person who wrote the letter?

Ms Moey: Yes.

Ms Cronk: But no telephone number?

Ms Moey: Not that I can see.

Ms Cronk: But you can't really tell because the stamp's on top of it.

Ms Moey: Well, there's the 613, which indicates the first part of a phone number.

Ms Cronk: I'm sorry; you're quite right. But it's not written in the same way as on the first letter I showed you, because on the first one it's in handwriting.

Ms Moey: That's correct.

Ms Cronk: So we have two different versions here. Thank you. I'll have copies of these made for the committee, Mr Chairman. I don't have copies yet.

Ms Freya Kristjanson: Ms Cronk, just to clarify, the Van Lang letterhead which Ms Moey has identified as coming from the constituency office—I don't know if it's clear when it was sent to Toronto by fax, as she indicated.

Ms Cronk: There's nothing on it to indicate that. We'll have the witness confirm. I'm showing you the copy of the letter with the Van Lang letterhead.

Ms Moey: Yes.

Ms Cronk: Is there anything on it indicating to you when it was actually faxed?

Ms Moey: For the first time, do you mean?

Ms Cronk: Well, at any time. Is there a date indicating when it was faxed to Marc Collins?

Ms Moey: No, not that I can see.

Ms Cronk: Thank you very much.

Ms Kristjanson: Excuse me just one second, Eleanore.

Ms Cronk: I'll come back to this in a moment.

Finally, there's a third piece of paper I want to show you. It appears to be a photocopy of a correspondence control log entry from the Deputy Minister of Housing's office indicating that a letter dated the 29th of October, 1993, was received in the deputy minister's offices on the 22nd of December, 1993. Is that correct?

Ms Moey: Yes.

Ms Cronk: Thank you. I'll have copies of that made as well. For the record, Mr Chairman, so that there's no confusion about this, it's my understanding that the first time a copy of the October 29th letter bearing the letterhead of the Van Lang Centre was received and provided to counsel was yesterday. I got it yesterday, as did she, from the constituency offices, but there's no indication on the letter itself as to when it was faxed from the constituency office.

Ms Moey: Could I just say something?

Ms Cronk: Ms Moey, can you help with this?

Ms Moey: I also wanted to say that yesterday was the first time that I had seen that particular version of this letter.

Ms Cronk: Thank you. I'm perhaps doing this awkwardly. Was the first time that it came to the attention of you or others from the constituency office yesterday? It was the first time you learned of it?

Ms Moey: It was the first time I learned of it.

Ms Cronk: But it was contained in constituency office files.

Ms Moey: Yes.

Ms Cronk: And it was drawn to the attention of your counsel for the first time yesterday.

Ms Moey: That's correct.

Ms Cronk: But it doesn't tell us on the document itself when it was sent to Marc Collins.

Ms Moey: No.

Ms Cronk: Except we know he seems to have gotten a copy of it.

Ms Moey: That's right.

Ms Kristjanson: I don't know that you have established that in evidence, that particular copy of the Van Lang letterhead version. I don't think—

Ms Cronk: Well, Ms Moey, I thought there was a fax stamp on it saying that it had gone to Marc Collins.

Ms Moey: There is a fax sticky on it saying it was being sent to Marc Collins, but I don't know for a fact if he received it.

Ms Cronk: I see what you're saying. Finally, with respect to October 29th, a date I hope to move off for a considerable period of time, I'm showing you a copy of an agenda for the minister from the riding office for Friday, October 29th. Is that the type of agenda that is kept or prepared for her at the constituency office from time to time? It applies to her office in Ottawa?

Ms Moey: Yes.

Ms Cronk: Does it indicate whether the minister was in Ottawa on October 29th?

Ms Moey: It indicates that she had a meeting in Ottawa at 9 am on October 29th and an event at 6:30 pm.

Ms Cronk: Thank you very much. And the events do not, as described, have anything to do with Van Lang; it simply indicates that she was there.

Ms Moey: Right, at least for those times.

Ms Cronk: From the time of 10 am through to 6:30 pm, there are no entries for the minister.

Ms Moey: That's right.

Ms Cronk: But there is at 9 am an indication that she had a function or an occasion—

Ms Moey: A meeting.

Ms Cronk: —a meeting to be at in Ottawa?

Ms Moey: That's right.

Ms Cronk: Thank you very much. Ms Moey, those are my questions.

Ms Moey: Thank you.

Mrs Marland: Ms Cronk, since I was the one who requested the minister's agenda, and I really needed it in order to ask Ms Moey a question—at this point, you will be giving us copies, but at the time I get my copy Ms Moey will no longer be before the committee, in all likelihood. The reason I asked for it, as we know, is to confirm whether there was a possibility that the minister might have been in her constituency office on the 29th, not just in Ottawa at large. It has already been said that she was in and out of meetings, but we didn't know what day, and I'm just wondering how the agenda reads.

Ms Cronk: Could I just see that, too?

Ms Kristjanson: One moment, please.

Ms Cronk: Ms Moey, can I just ask you one or two more questions and see if I can maybe get this part of it right?

Ms Moey: Certainly.

Ms Cronk: I don't want you to tell me where the minister was or who she was meeting with. Right?

Ms Moey: Mm-hmm.

Ms Cronk: But does the document I've just shown you that we're immediately going to make copies of, with expurgations—but once I make the expurgations, you're not going to see very much on the document.

Ms Moey: Thank you.

Ms Cronk: Without saying where she was or with whom she was meeting—

Ms Moey: Mm-hmm.

Ms Cronk: —does it indicate that there was an agenda in place involving commitments for the minister connected with her riding office for Friday, October 29? Does it indicate in any way that she was at the riding office, as distinct from Ottawa?

Ms Moey: No.

Ms Cronk: It simply records that she had functions to attend at 9 am in the morning and at 6:30 pm in Ottawa?

Ms Moey: That's correct.

Ms Cronk: And attached to it are photocopies of an appointment book or a daybook. Is that an appointment book maintained in the constituency office?

Ms Moey: Yes, it is.

Ms Cronk: And again, there's an entry for 9 o'clock in the morning and, I suggest, an entry for 6:30 pm.

Ms Moey: Yes.

Ms Cronk: And they both reflect commitments in Ottawa?

Ms Moey: Mm-hmm.

Ms Cronk: But there's no indication, I suggest, and I'm asking for your confirmation, that there was any commitment, requirement or engagement actually at the constituency office?

Ms Moey: That's correct.

Ms Cronk: Thank you very much.

Mr Chair, I wonder if we could just rise for a very short break while I get copies of this made.

Mrs Marland: I just have another housekeeping question to ask you, Ms Cronk. This morning when we were dealing with tab 65, exhibit 1, volume 2, which is the e-mail from Karen Ridley to Rob Sutherland, the one with all the notes on it, the handwritten notes, I raised the point of, had you established whose handwriting it was, and I think your answer was, "I think we understand it to be Ms Ridley's writing."

Ms Cronk: Sorry. I didn't mean to be that tentative. We made inquiries and I've been informed that the writing is Ms Ridley's.

Mrs Marland: All right. I understand Ms Ridley works in Toronto?

Ms Cronk: Ms Moey, can you confirm that? We've had that evidence from others, but does Ms Ridley work at the minister's offices in Toronto?

Ms Moey: Yes, she does.

Mrs Marland: So it's of interest, I think, to me that this is an exhibit that came from Ms Gigantes's office. Where it says "EG," is that not her constituency office?

Ms Cronk: No. It's actually from the minister's office in Toronto.

Mrs Marland: All right. Then that's clarified it for me. Thank you.

Ms Cronk: You're welcome.

The Chair: Okay, we'll have a five-minute recess.

The committee recessed from 1233 to 1247.

The Chair: Mr Callahan, your caucus has 15 minutes

and we start in rotation.

Mr Callahan: Thank you, Mr Chair.

Ms Moey, you've described to us the atmosphere that was prevalent in the room during this meeting of about an hour and a half. You've also explained to us how there seemed to be little side confrontations between one or more of the directors and Ms Pretty. Now, when those took place, I gather they were rather confrontational, were they?

Ms Moey: They were heated.

Mr Callahan: Heated. When that was going on, did the minister intervene at all?

Ms Moey: No. She let them run their course.

Mr Callahan: Okay. So she let them have at one another, I gather.

Ms Moey: If that's how you want to describe it.

Mr Callahan: Okay. Just one other thing: You said that the notes that you made, you were asked to fax them to someone. Who did you fax them to?

Ms Moey: I think it was either to Marc Collins or Carol Whitehead. I forget.

Mr Callahan: You're not sure, eh?

Ms Moey: No.

Mr Callahan: Marc Collins is the policy adviser to the minister.

Ms Moey: That's correct.

Mr Callahan: Okay. And was it just your notes or did you give him a greater detail explanation of the notes?

Ms Moey: No. They asked for the notes and I—after indicating, marking that paragraph, I faxed it up to them.

Mr Callahan: Okay. And finally, you were at the meeting of June 10th at the constituency office with the minister when Trinh Luu was there.

Ms Moey: Yes.

Mr Callahan: Were you there for the whole meeting?

Ms Moey: Yes.

Mr Callahan: Were you there when the minister offered Trinh Luu—I don't know whether "offer" is the right word, but offered Trinh Luu a job on a health board or something to that effect?

Ms Moey: I don't know that the minister did.

Mr Callahan: You didn't hear anything of that type?

Ms Moey: No.

Mr Callahan: All right. Thank you.

Ms Moey: You're welcome.

Mr Chiarelli: I'm going to refer to several documents in exhibit 1, if you can have that available: firstly, tab 90, volume 3, the memo from Brian Sutherland of June 17th, 3:33 pm. It's already been referred to. I'll just read the first sentence to you to refresh your memory. "As you might have imagined, the meeting between the board of the National Capital Vietnamese Canadian Non-Profit Housing Corp (including Sharron Pretty) and the minister today was a lengthy ordeal." Now, keeping in mind that Mr Sutherland is the senior manager for eastern Ontario and has over 10 years' experience with the Ministry of

Housing, do you think he was unreasonably coming to a conclusion in describing the meeting as a "lengthy ordeal," or do you think that someone sitting in the meeting couldn't reasonably have come to the conclusion that the whole context of the meeting was an ordeal?

Ms Moey: I'm not in a position, I'm afraid, Mr Chiarelli, to comment on somebody else's view of the meeting.

1250

Mr Chiarelli: But you've just acknowledged to Mr Callahan that there were times when there were heated exchanges between Sharron Pretty and others and no one, including the minister, intervened. Was that your evidence just now?

Ms Moey: Yes, it was.

Mr Chiarelli: And you don't feel that that type of communication in a meeting to someone like Mr Sutherland might reasonably be called an "ordeal"?

Ms Moey: I can't comment on his choice of words, Mr Chiarelli.

Mr Chiarelli: Thank you. And to go on further in his memo, he indicates that, "In any event, I believe that the minister was able to convince Sharron and the other board members to work toward a resolution of the matter prior to the charges being considered by the court early next month." Now, as you know, this memo was prepared by Mr Sutherland several hours after the meeting. Given the context of the meeting—I'm not asking what your conclusion is, but do you think it might be reasonable for a person such as Mr Sutherland to come to that conclusion, given the nature of the exchanges over a period of an hour and a half?

Ms Moey: Again, Mr Chiarelli, I don't think it's fair of you to ask me what was in the mind of Mr Sutherland either at the meeting or when he wrote this memo.

Mr Chiarelli: Thank you. I want to refer to the minister's briefing notes, which are tab 96 in the same volume. I'm going to ask whether or not you have any information that the notes you took at the meeting were used in any manner for briefing the minister.

Ms Moey: I have no way of knowing that, sir.

Mr Chiarelli: The minister says in her notes which were prepared for her for question period—if I can refer to the third paragraph, it says: "During the meeting we talked about a range of ways the board could resolve its differences. One of the options discussed was whether it was possible to resolve the issues without legal proceedings. It was simply one of several options we discussed. Nothing more."

Do you think, in that briefing note, that can be a fair characterization of what happened at the meeting, one of the things that happened at the meeting?

Ms Moey: What was one of the things that happened at the meeting?

Mr Chiarelli: That description of the meeting. You're aware of the fact that that's a briefing note that was prepared for the minister and it indicates, "During the meeting we talked about a range of ways," and it goes on to say, possibly resolving the issues "without legal

proceedings." Do you think that's a fair characterization of what happened at the meeting?

Ms Moey: Yes.

Mr Chiarelli: Additionally, I want to refer you to the minister's statement which she provided at the start of these committee hearings on Monday, tab 106, in which case, if we can look at the second-last page, it says, "At one point, I said that if each side could back off all actions against the other, that it might be possible to resolve the current issues and create an atmosphere in which the board could work together in the future."

Ms Moey: I'm sorry, Mr Chiarelli, I haven't found it yet. Could you indicate to me where on the page?

Mr Chiarelli: It's tab 90.

Ms Moey: Tab 90?

Mr Chiarelli: I'm sorry, tab 106. The pages of the minister's statement are not numbered, but if you turn the pages, 1, 2, the bottom of the third page, starting at the last sentence:

"At one point, I said that if each side could back off"—and "each" is underlined—"all actions against the other, that it might be possible to resolve the current issues and create an atmosphere in which the board could work together in the future. Sharron Pretty stated that she could not back off the court action as it was not being advanced by her, but by the prosecutor. I agreed with Sharron that the matter was in the hands of the prosecutor, and said I did not know what the prosecutor would decide if Sharron was satisfied that the issues with the board of directors had been resolved."

Is it clearly your recollection that the minister used the word "prosecutor"?

Ms Moey: No, it's not.

Mr Chiarelli: Now, in your answers to counsel, I made a note of the fact that she asked you that question and you said no, and then later on, in subsequent questions, you said, "Yes, Sharron Pretty mentioned prosecutor and crown attorney," and you also said, "She," meaning the minister, "used the word 'prosecutor.'" Can you clarify that for us?

Ms Moey: I'd like to verify if that's indeed what I said. I think I said that the minister said, "Yes, it's in the hands of the crown." I don't believe she said "prosecutor." I don't recall that she said "prosecutor."

Mr Chiarelli: But she at least used the word "crown"?

Ms Moey: Yes.

Mr Chiarelli: And in your briefing notes that—not your briefing notes but the notes that you took at the meeting—to your understanding, did the minister take any notes?

Ms Moey: No.

Mr Chiarelli: Did anybody else from your office take any notes?

Ms Moey: I was the only one from my office there.

Mr Chiarelli: Is it likely, then, when the minister was briefed for her question period briefing, that your notes were available to her?

Ms Moey: I have no way of knowing that.

Mr Chiarelli: Were your notes available to the office in Toronto at Queen's Park?

Ms Moey: Yes.

Mr Chiarelli: Thank you.

Ms Moey: You're welcome.

Mr Tim Murphy (St George-St David): Just a few questions and then the ordeal will be almost over. I think we've heard from other witnesses who work for the minister either in her minister's office or in the community office that at some point you had seminars on conflict-of-interest matters. Did you ever have one?

Ms Moey: No.

Mr Murphy: Have you dealt with constituency office case work where a constituent has come in and said, "I want the minister to help me out. I have a parking ticket," or, "It involves a court case and I want you to help out"? Have circumstances like those arisen?

Ms Moey: Yes.

Mr Murphy: No surprise; we all have them. And do you have a clear protocol or regulation of what you should do when someone comes in like that?

Ms Moey: As soon as someone mentions, you know, that they're involved in a legal proceeding of any kind, we usually tell them firmly but politely that if they are involved in a legal action currently we could not help them.

Mr Murphy: I think that's excellent advice. And if they persist, do you basically firmly tell them that there's just no way and they'll have to pursue it through a lawyer?

Ms Moey: That's correct.

Mr Murphy: The meeting of June 10th with Trinh Luu—you were at that, and the issue of the court cases came up at that point with respect to Van Lang. Did either you or the minister tell Trinh Luu that because legal proceedings were involved, you couldn't be involved any more?

Ms Moey: No, because Ms Luu, as far as we were aware at the time, was not herself involved in any legal proceedings.

Mr Murphy: And equally so, that was never said by you or the minister, as far as you're aware, to Sharron Pretty?

Ms Moey: I had not met Sharron Pretty until the—

Mr Murphy: No, at any point to the end of the June 17th meeting. I'm sorry, that was my fault. I should have made that clear.

Ms Moey: Sorry, at this June 17th meeting?

Mr Murphy: At any point between—in fact, let's just put it: At any point from the time you found out that charges had been laid with respect to the Van Lang Centre directors, did you or the minister, to your knowledge, advise Sharron Pretty that because of that, you could no longer be involved?

Ms Moey: First, I should clarify that I only became aware that there were charges laid much after the June 17th meeting.

Mr Murphy: Okay. As soon as you were aware that there was legal proceedings of any sort involved, did either you or the minister, to your knowledge, say that you couldn't be involved because of those legal proceedings to Sharron Pretty?

Ms Moey: I know that I did not.

1300

Mr Murphy: And to your knowledge, in your presence, did the minister?

Ms Moey: No.

Mr Murphy: And you still work for Ms Gigantes in the community office in Ottawa?

Ms Moey: Last I checked.

Mr Murphy: Yes, well, you know, I won't touch that. To be fair, I won't touch that.

Now, between the meeting on the 17th and in fact your evidence today, have you followed this matter in the press?

Ms Moey: Yes.

Mr Murphy: And you've read what those press reports have detailed Minister Gigantes as having said at those meetings?

Ms Moey: Yes.

Mr Murphy: And did you read the statement that Minister Gigantes provided to us at the beginning of these proceedings, before the—

Ms Moey: I haven't as yet, except for the one paragraph that Mr Chiarelli took me through.

Mr Murphy: Okay. Thank you.

Ms Moey: You're welcome.

Mr Chiarelli: Just one short question. You indicated that you didn't become aware of the charges until after the meeting of the 17th. Had you heard anything about court cases, litigation, as opposed to charges, beforehand?

Ms Moey: At the meeting at June 10th.

Mr Chiarelli: Yes, so you were aware that there were court proceedings of some type.

Ms Moey: Right.

Mr Chiarelli: And so when you answered that you weren't aware of the charges until after the meeting on the 17th, you were speaking very specifically of the informations that had been sworn, the Corporations Act etc, but you had some knowledge that there were court proceedings and litigations which had been commenced or were about to commence.

Ms Moey: That's correct.

Mr Chiarelli: Thank you.

Ms Moey: You're welcome.

Mr Callahan: I'd just raise a question. At the meeting, we understand that the minister was given a briefing note before she went into the June 17th meeting and according to your notes that you made she started out by saying, "I understand all the issues."

Ms Moey: No, she said she had learned of the ongoing problems at the—

Mr Callahan: I thought your notes said that she understood all the issues. What tab is that, somebody?

Mr Chiarelli: Eighty-one.

Mr Callahan: Eighty-one. It must be someone else's notes, I guess; I thought it was your notes. But in any event, she did have a fairly lengthy briefing note, did she?

Ms Moey: Uh, I don't know that.

Mr Callahan: Well, did you give her anything in preparation for going into this meeting?

Ms Moey: I handed to her just before we went into the meeting a fax that had come in from her office in Toronto, but I'm aware that it was not the typical background note or briefing note that we—

Mr Callahan: How many pages was the fax?

Ms Moey: Perhaps two.

Mr Callahan: Two pages? Legal size?

Ms Moey: No.

Mr Callahan: Letter size?

Ms Moey: Yes.

Mr Callahan: Typewritten?

Ms Moey: Yes.

Mr Callahan: Do we have that fax?

Ms Moey: I don't know.

Mr Kimble Sutherland (Oxford): Could I—

Mr Callahan: Just a second, Mr Sutherland. Do we have that fax?

Ms Moey: I'm sorry? Do we have that fax?

Mr Callahan: Does this committee have that fax?

Ms Moey: I don't know.

Ms Cronk: I need to hear more, Mr Callahan, about what it is.

Mr Callahan: Right. Can you tell us where that fax is presently residing?

Ms Moey: I have no idea.

Mr Callahan: Well, what did you do with the fax?

Ms Moey: I gave it to the minister.

Mr Callahan: Did she give it back to you after the meeting?

Ms Moey: No.

Mr Callahan: And who was it from in Toronto?

Ms Moey: I don't recall.

Mr Callahan: Marc Collins?

Ms Moey: No.

Mr Callahan: Who was it from?

Ms Moey: I think it was from the legal branch.

Mr Callahan: The legal branch.

Ms Moey: Of the ministry.

Mr Callahan: Did you read it?

Ms Moey: No, I didn't have time to read it.

Mr Callahan: Do you know what the date on it was?

Ms Moey: No.

Mr Callahan: Do you know whether it was cc'd to anybody else?

Ms Moey: No, sir. I did not read it.

Mr Callahan: So was this in an envelope when you

handed it to her or was—

Ms Moey: No. I just handed her the fax directly.

Mr Callahan: How long did you have the fax before you handed it to her?

Ms Moey: From the time I left the riding office until the time I arrived at 10 Rideau, where the meeting was to be held. I handed it directly to the minister.

Mr Callahan: All right. And when you handed it to her, did you observe that she read it?

Ms Moey: I didn't observe that she read it, no.

Mr Callahan: All right. Can I ask you to look at tab 79, if you would.

Mr Murphy: Sorry, to be clear, does that mean you didn't see whether she read it or not?

Ms Moey: That's correct.

Mr Callahan: Would you look at tab 79, please, Ms Moey.

Ms Moey: Yes.

Mr Callahan: Take a look at that and tell me whether or not that appears to—well, first of all, there's a facsimile transmittal form attached to it.

Ms Moey: Mm-hmm.

Mr Callahan: Does that help you at all that it was from Patti Redmond?

Ms Moey: No. I don't believe I've seen the facsimile cover page before, sir.

Mr Callahan: I see. So that doesn't appear to be the fax. Can you arrange to turn over to, or to use your best efforts or have the ministry use their best efforts, to locate that fax and have it turned over to this committee?

Ms Cronk: Mr Callahan, may I interrupt?

Mr Callahan: Sure. Go right ahead.

Mr Chiarelli: Can we stop the clock on that one?

Ms Cronk: Before we make inquiries about it, could you perhaps ask the witness if she saw the attachment to the fax as distinct from the fax cover sheet at tab 79? She's told you that she didn't see the fax cover sheet. She may have seen the attachment.

Mr Callahan: Well, perhaps you can do that, because I've run out of time.

Ms Cronk: Sorry.

Mr Callahan: I think it's important, Mr Chair, that we find out about this. It's a document that if the committee doesn't have it, it should have it, and perhaps it already has it, and if it does already have it, then we don't have to bother commission counsel by getting it for us in order for us to have it. How's that?

Mr Stephen Owens (Scarborough Centre): That's very circuitous.

Mr Callahan: I come from Brampton riding, you see. The fellow that represented Brampton before me used to speak in that vein too.

Interjection: And who might that have been?

The Chair: Excuse me. Your time has run out.

Mr Callahan: We always mention Brampton South.

Interjections.

Mrs Marland: Mr Chair, just before you start the clock, I have a housekeeping matter to ask Ms Cronk about. Since I seem to now be belabouring the point about the letter of Ms Pretty's dated the 29th of October to Ms Gigantes, I already identified that there were two different versions of that letter, and now we have just been given a third version of the letter, and I need to know where the third version of the letter has come from, because the third version of the letter is particularly interesting. We now have a version of this letter on guess who's letterhead: the National Capital Region Vietnamese Canadian Non-Profit Housing Corp, the Van Lang Centre. So I need to know how Ms Pretty's letter to Ms Gigantes gets on the letterhead of the Van Lang Vietnamese centre.

Ms Cronk: I don't know the answer to the last question as you framed it, but so that it's clear, this version of the letter, bearing the letterhead of the Van Lang Centre, came to me last evening as a result of inquiries that I asked counsel for Ms Lott and Ms Moey to make, which she immediately agreed to do, and it's my understanding—this of course is not evidence before you—that it came to her attention as counsel and to the attention of the witnesses from the constituency office, meaning Ms Lott and Ms Moey, for the first time yesterday. And we got it last night and you got it today.

It's also my understanding that it was in a file at the constituency office that was not part of the case file on Van Lang. It contained miscellaneous and other documents not related to Van Lang.

That's all I know about it, Ms Marland, apart from what the witnesses said in evidence this morning. So it was given to us as soon as it came to the attention of counsel and representatives of the constituency office, but I have not been told and I don't think they can help you. You'll have to ask the witness if she knows anything about it. As to how it came to be on the letterhead of the Van Lang Centre, I have no idea.

Mrs Marland: Well, since it was given to you, Ms Cronk, by the lawyers for the constituency office staff, and I know that originally, as counsel for the inquiry, you had asked for all material subject to the inquiry to be released to you from the files of everyone, including my office and Ms Gigantes's office and so forth, I guess I have to ask you, is it of concern to you that a letter, particularly a letter like this, which is somebody else's letter on Van Lang Centre letterhead, was not forwarded to you until last night?

1310

Ms Cronk: I can and should reply as counsel, if I might, Mr Chair, and then I know Ms Kristjanson has something to say on this level. Counsel were very cooperative with me in this regard. I did make that request for each and every document. It is my general view that people have made every effort to be as diligent in that search as they can. We're talking about a lot of paper. As counsel of the committee, I have no reason to believe that that diligence didn't apply yesterday, and I received full cooperation as soon as the issue arose to find it. Of course I'm not happy that there are pieces of paper out there that got overlooked, but neither am I surprised.

Ms Kristjanson: If I might just explain, since there seems to be at least some problems here, yesterday we were asked to make inquiries as to whether the October 29th letter had been logged in in the constituency office. We had evidence yesterday from Ms Lott as to how letters, when they are received by mail, are logged in in the office. At that time it was found to have been logged in on November 2, 1993, as I informed Ms Cronk. It was only when I asked exactly what version of the letter had been logged that resort was made to a separate file, which is kept by the correspondence assistant, Carolyn Emond.

The individuals who have testified today and who have had involvement in the Van Lang file do not keep this separate correspondence file. It was not contained in the case work or the constituency office main file, the entirety of which was provided to Ms Cronk. So this letter was not in the constituency file and had not been seen in this form by Ms Lott or Ms Moey, but it was logged, apparently in a separate area of the office. I think that there was full cooperation in the inquiries that we made. There was simply another area of the office in which some correspondence was kept, and that was overlooked.

The Chair: Same subject, Mr Murphy?

Mrs Marland: May I just finish?

Mr Murphy: Can I, if I may, just briefly—

Mrs Marland: I think I have the floor, Mr Chair.

The Chair: But maybe he has something to add.

Mr Murphy: Point of order, Mr Chair: It may just be me, but I'm confused why any of this matters.

The Chair: Okay, maybe you can answer that, Ms Marland.

Mrs Marland: Mr Chair, it's up to the members to decide what matters.

The Chair: Okay, but maybe you could tell the other members what route you're travelling.

Mrs Marland: Mr Chair, this letter, this version that we now have, came from another file in Ms Gigantes's constituency office. I would have assumed that when counsel asked for all material matter to this subject of this hearing, all files would have been presented.

The Chair: What I understand—

Mrs Marland: May I just finish? We now have learned that this wasn't included, this private letter that has been now reproduced on somebody else's letterhead was not provided because, "It wasn't in the main file; it was in the mail file under the jurisdiction of Carolyn."

The reason that this letter is important is because there is an indication on it that it was faxed to Marc Collins. I acknowledge we have no confirmation that Marc Collins received it. But I would think that had Marc Collins received it, he too might have wondered how it got on the letterhead of the Van Lang Centre.

My difficulty, Mr Chair, is this: We have now finished with the witnesses who have direct responsibility for the Van Lang Centre, ie, the president, the past president and so forth. I have no opportunity now in this hearing to ask our witnesses for the Van Lang Centre why this letter is in this form.

The Chair: I understood that it was in a miscellaneous file, and so when Ms Cronk went there, they pulled everything from the other files but that was filed in a different area of the office. I don't think it was done intentionally. What I understand—Ms Moey?

Ms Moey: Would it help the committee if I tried to perhaps explain how that might have occurred? Would it be helpful?

Ms Kristjanson: If you're simply speculating without knowledge, I don't know that that would be helpful.

Ms Moey: Well, I'm concerned that there seems to be concern on the part of at least one member on this committee that anybody in the riding office was knowingly concealing evidence or has been negligent in their duties to provide all documentation relevant to this inquiry to counsel. I'm very concerned about that. There has been no effort at all from anyone in the constituency office to thwart this committee in any way, shape or form. When I first learned of the existence of this version of the letter yesterday, I was as shocked as anybody else.

The fact that this letter was found in the correspondence file—okay, if I could just explain how that works, when a letter comes in and it's a housing-related issue, for example, it usually is faxed directly up to the minister's office. However, at the time that we are talking about, there were two staff members who were there as replacements for myself and for Mr Dewar, and they may not have been perhaps as familiar with that practice at the time and they could have inadvertently put that letter in the in basket of our correspondence assistant, who then treated it as she subsequently did perhaps. I don't know what happened, but that's how she came to file it in her correspondence file and I did not know of its existence until yesterday. I hope that's helpful.

Ms Cronk: Ms Moey, as counsel to the committee, and speaking only in that capacity, may I just reassure you of a couple of things? As counsel to the committee, and coming from this source, there's absolutely no suggestion nor was any made here of any kind that there was a withholding or any deliberate or careless attempt to withhold documents.

The issue that's being raised by Ms Marland, and on the evidence, as counsel, I have to say it may be at the end of the day of some relevance—I can't judge that, and that's where the committee's to decide—is that the parties involved, as opposed to the witnesses who've supplied documents, that is, the Van Lang participants and Ms Pretty and Mr Collins, who received at some point a copy of this document—that it may have been authored in circumstances other than what has been given to the committee in evidence. That's not something about which you can have any personal knowledge.

So, on that level, thank you for your remarks on behalf of the committee. The suggestion was not there from this source and I've never understood Ms Marland to be suggesting that. She's trying to get at the facts of how the letter got authored, by whom, when and who it went to, and that's all entirely legitimate.

Ms Moey: Okay. Thank you.

The Chair: Okay.

Mrs Marland: Thank you, Mr Chair, and I would confirm exactly what Ms Cronk has just said. That was the purpose I was raising it. Thank you. And I am ready to start my—

The Chair: Mr Sutherland.

Mr Sutherland: I'll pass.

Mrs Marland: So I'm ready to start my questions.

The Chair: Ms Marland, you're on.

Mrs Marland: Thank you. Ms Moey, this morning when you were asked if Trinh Luu discussed the Van Lang Centre with you when you returned from your maternity leave, you said, "I tried hard not to." You also said that you would have described her as a friend.

Ms Moey: Mm-hmm.

Mrs Marland: I'm asking, first of all, what do you see your job as in working in the constituency office with constituents, recognizing Ms Luu is a constituent? Does all of her involvement with this subject not suggest to you that there was some emergency, in her mind, about this matter? And when you say you tried hard not to discuss it with her, was there a reason for that?

Ms Moey: Yes. If I could explain the context of my remark, when I said that I tried hard not to discuss that with her during that phone conversation, it was because her broaching of the subject took me completely by surprise. I was calling her on a completely different matter. I had not dealt with the file for many months. When she started to talk about it, she became very emotional. She was almost in tears, if not actually in tears, and I felt at the time, Ms Marland, that having been absent for so long and not knowing of the latest developments in this file, I could not have any useful comments or suggestions to offer her at the time, and therefore that's what I meant when I said I tried hard not to discuss it with her.

1320

Mrs Marland: I understand your answer now. You also said that—Ms Cronk asked you if you would have described her as a friend, and you said, "I would have." Do you mean that's past tense now?

Ms Moey: It is.

Mrs Marland: It is past tense?

Ms Moey: Yes.

Mrs Marland: This person who came to your baby shower and had lunch and so forth. Why it is past tense?

Ms Moey: Well, Ms Marland, I don't know about you, but when a friend tapes a conversation with a friend, I think that betrays certain fundamental principles that I think friendship should hold.

Mrs Marland: Okay, thank you.

Ms Moey: You're welcome.

Mrs Marland: You also said that when the James Wallace article came out on June the first, you only glanced at it. Is that correct?

Ms Moey: I said I read it very briefly, I believe.

Mrs Marland: Yes, I think you said, "I only glanced at it," and yet you went on to say that: "I was quite upset that the article had appeared. I wondered why the prob-

lems could not have been resolved earlier." I wondered why you would say that when you had only glanced at it. How would you know what the content of the article was?

Ms Moey: I believe that's not a true representation of what I meant. Perhaps I misspoke myself, Ms Marland, earlier. What I meant to say was that I read it very quickly and very briefly, but without any real attention to detail.

Mrs Marland: Okay. Your answers will be in Hansard, so I can look at them there.

Ms Moey: Mm-hmm.

Mrs Marland: You wondered why the problems could not have been resolved earlier. Can you explain that statement?

Ms Moey: Yes. I was frustrated that during the time between when I left the office for maternity leave and when I returned, that this file was still unresolved; it was still ongoing.

Mrs Marland: And you said when you came back you looked at the file and you just looked at it and saw that it was now a huge file, but you decided to set it aside because you were now going to be the scheduler and you wouldn't be responsible for the file.

Ms Moey: That's correct.

Mrs Marland: So it's fair to say that at that point you had no knowledge of what the file contained.

Ms Moey: That's correct.

Mrs Marland: Okay. Ms Cronk asked you if you had any knowledge about what the meeting on June the 17th would be about and your answer was, "I guess the meeting was to resolve problems at the Van Lang Centre, based on my prior knowledge of the file." That's what you said. You agree?

Ms Moey: Yes.

Mrs Marland: And yet you've just said a minute ago that you actually hadn't looked at the file.

Ms Moey: Ms Marland, I think I should have perhaps—I thought about it at the time—clarified that I had knowledge of the contents of the file up to the time I left on maternity leave. Anything that came into the file after that I had no knowledge of.

Mrs Marland: So what you're saying is, then, that the—and you went on maternity leave, I believe, in August.

Ms Moey: Yes.

Mrs Marland: From August till March.

Ms Moey: That's right.

Mrs Marland: So all those letters and all the phone calls and all the faxes and all the contact and the involvement of the top Ministry of Housing person in Ottawa, him going to board meetings, all of that stuff that would have been in the file between August and March, you would have had no knowledge of.

Ms Moey: That's correct.

Mrs Marland: So why, if you didn't have any knowledge of it, would you think there was a meeting to discuss it?

Ms Moey: I'm not sure I understand your question.

Mrs Marland: Well, if you didn't have any knowledge of how bad things had become because you hadn't reviewed the file—

Ms Moey: Mm-hmm.

Mrs Marland: —and you've said you didn't discuss it with anyone else in the office—

Ms Moey: That's correct.

Mrs Marland: —why would you suddenly think, "Well, that must be why we're having this meeting," if you didn't know that there were problems?

Ms Moey: Ms Marland, I never said that I didn't know that there were problems. Of course there were problems. Obviously the file is still ongoing, so therefore I don't think it's a quantum leap to make to think that there still are problems. I may not have known to what extent those problems went.

Mrs Marland: But you acknowledge you didn't know what was in the file.

Ms Moey: I didn't know what was contained in the file from the time I left until the time I came back.

Mrs Marland: Would you agree that most of the difficult scenarios that had emerged had emerged after August 1993?

Ms Moey: I would. Yes, I would agree.

Mrs Marland: Thank you.

Ms Moey: You're welcome.

Mrs Marland: Ms Cronk asked you if you thought the meeting was stressful. Do you agree that it was a stressful meeting?

Ms Moey: I think I said that the meeting might have been stressful for some participants.

Mrs Marland: You said in answer to Ms Cronk: "At that point the tension had been lifted. Wasn't tense any more because everyone was getting their calendars out." Would you agree that tension is related to stress?

Ms Moey: I don't think I'm in a position to make that determination, Ms Marland.

Mrs Marland: Well, they're your words. They're your words, they're your words, they're not mine. If you're using the word that the tension had been lifted, maybe you could tell us what you mean by that.

Ms Moey: Well, there had been tense moments and it was obvious to me that relations between some of the board members were quite strained. So what I meant by that statement, Ms Marland, was that at that point in the meeting, at the end of the meeting, that tension between the board members seemed to have lifted.

Mrs Marland: And you don't think, in your mind, that a tense atmosphere for some people and a tension being lifted would—could also describe a stressful meeting?

Ms Moey: Ms Marland, I don't think that just because there were certain points during that very long meeting where exchanges, heated exchanges occurred, that necessarily was the tenor of the entire meeting.

Mrs Marland: Who would you think the meeting was the most tense for, to use your words?

Ms Moey: Ms Pretty and Mr Truong.

Mrs Marland: Thank you. You also said that—Ms Cronk asked you about—I think she asked you, did the minister—actually, I didn't write down her question but I'll give you your answer. You said, "The minister did not strongly do anything." I think it was related to the fact that Mr Sutherland said the minister had been able to convince Sharron and the board members. That's what Mr Sutherland said in his memo and you said, "The minister did not strongly do anything." Could I ask you, Ms Moey, if the minister gently did anything during that meeting? Is that a better word, in your mind?

Ms Moey: I think that her demeanour throughout the meeting, Ms Marland, was extremely solicitous towards all participants.

Mrs Marland: And would you say that it was solicitous when she was—when the minister was making the special suggestions for the solution to the problem of the removal of Ms Pretty and the problem with the legal charges, as per your notes?

Ms Moey: She was solicitous every time she posed a question or a suggestion.

Mrs Marland: So then, could we perhaps understand that the people who weren't gentle or solicitous—well, solicitous is your word—were perhaps Dr Truong or Dr Tang or—you did say Mr Nguyen didn't speak. But is it Dr Tang and Dr Truong who were not like that in the meeting?

Ms Moey: No, I think it would be Ms Pretty and Mr Truong; to each other, I might add.

Mrs Marland: Okay. And you said, "I remember feeling sorry for Sharron Pretty during the meeting, that she must have been feeling very uncomfortable sitting between Truong and Tang."

Ms Moey: No, I think I said she must have been very uncomfortable sitting beside Mr Truong.

Mrs Marland: Okay. And you said you thought she handled herself very well.

Ms Moey: That's correct.

Mrs Marland: Those are all my questions. Thank you, Ms Moey.

Ms Moey: You're welcome.

Mr Owens: Ms Moey, I want to thank you for your testimony and your forthrightness this morning. I think it's been an ordeal for yourself—

Ms Moey: I don't like that word any more.

Mr Owens: —particularly in light of your comments with respect to your former relationship with one of the parties.

It's been alleged that the minister pressured Ms Pretty to drop her charges but, from your testimony as I understand it, I take it that you didn't see anything that would make you think that that's what she was doing. Is that right?

Ms Moey: That is absolutely right.

1330

Mr Owens: I would take it then that you were surprised to see those allegations in the newspapers?

Ms Moey: I was more than surprised. I was flabbergasted.

Mr Owens: From your testimony, I would take it that when you left the meeting you thought the minister's actions would be seen and taken as a positive step, in a positive way.

Ms Moey: Yes, that certainly was what I believed to be the feeling of the participants at the end of the meeting.

Mr Owens: You didn't anticipate any negative perception at all?

Ms Moey: Not at all.

Mr Owens: In fact, from what I understand your testimony to be, it doesn't sound like you recall the minister doing anything that could be cast in a negative light at all, does it?

Ms Moey: No.

Mr Owens: It would be my perception or my understanding that you would be in a fairly unique position, as you're one of the few people who was both at the meeting and to actually compare the public reaction to these events. In what you've seen and heard about this issue, is it your sense that people have been reacting to what you recall happening at the meeting, or is the negative reaction only to the allegations that don't match your recollection of the meeting?

Ms Cronk: Excuse me, Mr Chair; I'm sorry to interrupt Mr Owens. I don't understand the context of the question. In one interpretation of it, it's asking this witness to speak to how other people whom she doesn't know are reacting to the allegations. That would be an improper question. I may be that I've misunderstood it.

Mr Owens: I guess that's what I'm trying to understand myself. Based on what I understand from testimony from this witness and other witnesses during this proceeding, I'm trying to understand: Are people reacting to precisely what happened at the meeting, or is the reaction based on allegations that have been floating around through media reports or through some of the testimony that has been made here during this proceeding?

Ms Cronk: I understand the dilemma and also its relevance, but I offer you by way of advice that it's not a proper question to put, in my view, to this witness.

Mr Owens: Thank you.

Mr David Winninger (London South): Thank you, Mr Chair. Ms Moey, I also have a question. As a lawyer, I'm aware that the courts are frequently interested in the status of complaints or disputes after the swearing of informations, and frequently the crown attorney will interview potential witnesses to determine whether there's been a resolution or restitution made in a particular case, because that might be a circumstance highly relevant to the court.

You've said that at the meeting on June 17th you heard the minister tell Sharron Pretty that whether the matter had been resolved may or may not be of interest to the court. Just to be fair to you, at one point during your examination by Ms Cronk I wrote down as best I could what you said. You said, "If after the meeting

things were on their way to being resolved, that might be of interest to the crown."

I would like to ask you whether, when you heard the minister say to Sharron Pretty that a resolution may or may not be of interest to the crown, you heard her to say that this might be relevant to the crown or the court, or whether you interpret that to mean that the minister was asking Sharron Pretty to go to the crown and ask the crown to drop charges.

Ms Moey: I'm not sure I fully understood the question.

Mr Murphy: Neither did I.

Mr Winninger: Just to restate the question at the end, when you heard the minister make that statement to Sharron Pretty, was it your interpretation of the statement made that she was asking Sharron Pretty that she may consider letting the crown know because it may or may not be relevant to the crown, or whether she was suggesting that Sharron Pretty go to the crown and ask that the charges be dropped?

Ms Moey: The former, Mr Winninger. Thank you for that clarification.

Mrs Irene Mathyssen (Middlesex): Ms Moey, we have copies of the notes you took at the meeting of June 17, and we also have copies of original notes taken at the meeting by Ms Pretty, Brian Sutherland, Dr Tang and Dr Le. All of these notes do not refer in any way to a "deal" to drop charges in exchange for Ms Pretty being retained on the board. All of those people at the meeting made notes, and they say nothing about a deal to drop charges, a deal to retain Ms Pretty on the board. Are those notes consistent with your notes?

Ms Kristjanson: I don't know if the witness has reviewed those other notes. You'd have to put those notes to the witness before she could answer that question.

Ms Cronk: The suggestion, however, may be consistent with her notes. I'm just suggesting you may want to rephrase the question so there won't be an objection to it.

Mrs Mathyssen: All right. The notes made by Mr Sutherland, Ms Pretty, Dr Tang and Dr Le do not refer to a deal for Ms Pretty to drop charges or a deal that the board retain Ms Pretty. Is that consistent with your notes made at the meeting?

Ms Moey: If I understand correctly, my notes made at the meeting do not contain any such entry as that.

Mrs Mathyssen: Is that consistent with your memory of the meeting?

Ms Moey: Yes, it is.

Mr Charles Harnick (Willowdale): Excuse me. I have a problem with that question, simply because I think there's some misstatement of the facts.

The Chair: Wait a minute, Mr Harnick. The question's coming—we have two legal advice here.

Mr Harnick: No, hear my objection. That's all I'm asking you to do. You've referred to the notes of Mr Sutherland. Mr Sutherland says, "In any event, I believe that the minister was able to convince Sharron and the other board members to work toward a resolution of the matter prior to the charges being considered by the

court." And now you're—

Mr Paul Johnson: The notes made during the meeting?

Mrs Mathyssen: I am talking about the notes made at the meeting, not after the meeting, not on Saturday, Sunday or Monday.

The Chair: Ms Mathyssen, address the Chair.

Mr Harnick: I think you'd better bring all of them to order.

The Chair: Ms Mathyssen, ask your question.

Mrs Mathyssen: The notes made at the meeting by Mr Sutherland, Dr Tang, Dr Le and Ms Pretty do not refer to a deal for Ms Pretty to drop charges. They do not refer to a deal for the board to retain Ms Pretty. Are those notes made at the meeting consistent with your notes made at the meeting?

Ms Moey: Yes.

Mrs Mathyssen: Is that consistent with your memory of the meeting?

Ms Moey: Absolutely.

Mrs Mathyssen: Thank you.

Ms Moey: You're welcome.

Mr Rosario Marchese (Fort York): Ms Moey, I have a few questions myself. I too was struck by the words that "Ms Gigantes did nothing strongly," I think is what you said, and I made some interpretations about that. Ms Gigantes is not generally passive, as I know her, but in this particular instance, with respect to what happened at the meeting, you were very emphatic about the fact that she "did nothing strongly," and I understood it to mean that she understands the whole issue about being careful and cautious, presumably because of the matter of legal proceedings and the conflict in the board that exists between the board members. Is it a fair assumption to say that "did nothing strongly" means she understands that she would be very cautious under these circumstances, or not?

Ms Kristjanson: Ms Moey cannot speculate as to what was in the minister's mind. I'd ask you to rephrase your question perhaps.

1340

Mr Marchese: That's fair. I make the point because I understood by that to mean that the minister would logically assume that she would have to be very careful in this kind of situation and not put pressure on anybody.

Ms Moey: I'm afraid I can't—

Mr Marchese: I also related that in the context of the comment you made that there was an agreement to consider a meeting, and in this context didn't pressure them to have a meeting but rather to consider having a meeting. Is that a fair assumption?

Ms Moey: That is absolutely fair, yes.

Mr Marchese: Also, I was interested in ascertaining another comment you made. I think you said there was no direct referral to anything with respect to charges or other things that I can't recall what "referral to" meant, but I think you said that people were being asked to think about having a meeting to resolve the issues and that they

then would be in a position to consider whatever action they would want to pursue with respect to their own problems. Is that a fair characterization of what went on?

Ms Moey: Yes, it is.

Mr Marchese: Thank you very much.

Ms Moey: You're welcome.

Ms Cronk: Ms Moey, could I please ask you to turn back to tab 79, just to clarify, to make sure I understand where we ended up on that portion of your evidence. I believe it's volume 3. There were questions being put to you by Mr Callahan regarding the fax you remember giving the minister, I take it just as she was about to enter the meeting on June 17. Is that right?

Ms Moey: Yes.

Ms Cronk: I think you told me you met her there?

Ms Moey: Yes.

Ms Cronk: So you didn't see her or have an opportunity to speak with her at the constituency office that morning.

Ms Moey: No.

Ms Cronk: Did you bring the fax with you and give it to her just as she was going into the meeting?

Ms Moey: Yes.

Ms Cronk: Mr Callahan asked you if you recognized the fax cover sheet at tab 79 as being the document that you provided to the minister, and you'd indicated, I thought, no, or that you didn't remember or you don't—I'm not sure.

Ms Moey: I'm almost certain that I've never seen this before today, this fax cover sheet.

Ms Cronk: Okay. When you gave that answer, did you look at what was attached to the fax cover sheet? What I'm getting at is that there are two documents set out at the tab: one's two pages in length; one's one page. Did you provide these documents to the minister just as she was entering the meeting, or do you now remember?

Ms Moey: Because I didn't read the document when it arrived—I was asked to wait for something that was being faxed to Ms Gigantes and I needed to bring that with me to her for the meeting, and because they were so late in arriving I was almost late for that meeting, so I did not have time to read the document. I took it as soon as it came off the fax machine, and I rushed off to meet Ms Gigantes for the 11:30 meeting. So I can't identify this document.

Ms Cronk: I understand. In addition to not being able to identify the document, you have no recollection as to its content that would help us clarify what it was?

Ms Moey: No. I'm sorry.

Ms Cronk: Thank you. We'll just ask the minister.

Ms Moey, as I understand it, this was an exchange that started first in questioning by Mr Murphy and then subsequently by Mr Chiarelli, and I just want to make sure that I understand what the evidence is on this. It had to do with your suggestion that you did not know until after June 17th that charges had been laid. Mr Chiarelli asked you whether that related to your understanding of charges being formally laid. He pointed out to you, of

course, and I think you were quick to say, that you knew about legal proceedings because you'd been at the meeting on June 10th, right?

Ms Moey: Mm-hmm.

Ms Cronk: So I want to put a couple of propositions to you. Leaving aside what Sue Lott may or may not have told you prior to the meeting on June 10th, based on her discussions with Sharron Pretty—because you've told the committee that you learned something from her about the fact that it was a legal proceeding, but you couldn't remember any more detail. Am I right on that so far?

Ms Moey: Mm-hmm.

Ms Cronk: So you knew that before the June 10th meeting. You had some indication from Sue Lott. You told me about the conversation that she had with Sharron, and she was upset after the conversation and you couldn't remember too much detail, or indeed whether she'd given you any, but there was some suggestion of a court action or a legal proceeding.

Ms Moey: Mm-hmm.

Ms Cronk: Then you go to the June 10th meeting. You've confirmed that Ms Luu specifically discussed that with the minister at the meeting, that is, the court case, the legal proceedings. She gave her a copy of the docket. You made a photocopy. You didn't look at it yourself, as I understand it, in any detail.

Ms Moey: No.

Ms Cronk: Nor do you remember the minister asking any questions about it, right?

Ms Moey: Not specifically, no.

Ms Cronk: But Ms Luu spoke to the minister in the course of the meeting about that legal proceeding. Right?

Ms Moey: Yes.

Ms Cronk: It's Ms Luu's evidence before the committee that she told the minister that charges were pending against a number of directors of the corporation and that she told her that at the meeting on June 10th. Do you remember that?

Ms Moey: Are you asking me about the exact words or—

Ms Cronk: No. I'm just saying, do you remember her saying there are charges against members of the board; the directors have been charged by Sharron Pretty?

Ms Moey: I don't remember her exact words, but I think I do remember her telling the minister that Sharron Pretty had indeed initiated some sort of legal proceeding against the directors.

Ms Cronk: And that wouldn't come as an earthshaking surprise, because that was in the Wallace article on June 1, that there were charges against the directors from Van Lang. You had seen that article, so you knew that feature of it before you went in.

Ms Moey: Right.

Ms Cronk: It's also Ms Luu's evidence that she told her that the crown was involved. Do you remember that being said?

Ms Moey: I don't remember that being said, one way or the other.

Ms Cronk: It's also Ms Luu's evidence that the minister understood that it was not a civil proceeding.

Ms Moey: I don't remember that at all.

Ms Cronk: Did the minister read the two documents that Ms Luu gave her at the meeting? Did she look at them during the course of the meeting?

Ms Moey: She looked at them.

Ms Cronk: Would I be correct in assuming that given the nature of your job and what you do, you, unlike lawyers and perhaps ministers of the crown from time to time, don't have much experience in looking at court dockets? Would that be fair?

Ms Moey: It would be, yes indeed.

Ms Cronk: Could I ask you, with respect to the June 10th meeting—and I apologize. I should have asked you this before, and I'm hoping no one will take strong objection to this, because I just want to have your evidence before the committee on it. Ms Luu made some notes at that meeting, and if you turn to tab 70—I just forgot to ask you about a portion of them.

If you look at the last page of her notes, page 6, I asked you whether you had any conversation with Ms Luu after the June 10th meeting. In the top portion of these notes from Ms Luu, she's recording what she suggests was a conversation she had with you after the meeting. Could you just take a minute and read that paragraph, please.

Ms Moey: Yes, I've read it.

Ms Cronk: Have you ever seen these notes before?

Ms Moey: No.

Ms Cronk: Do you recall having a discussion with Ms Luu at the conclusion of the meeting on June 10th?

Ms Moey: Yes.

Ms Cronk: Was that just the two of you?

Ms Moey: Yes.

Ms Cronk: Not involving the minister?

Ms Moey: Yes.

Ms Cronk: Did you, in the course of that meeting, express to her concerns about the whole situation?

Ms Moey: Not in the way that she's expressing it, no.

Ms Cronk: Does the paragraph accurately reflect, in your view, the substance of your discussion at that time?

Ms Moey: No.

Ms Cronk: Do you remember the discussion you had with her?

Ms Moey: Yes.

Ms Cronk: Would you tell the committee what you recall being said?

Ms Moey: After the meeting, I walked Ms Luu out of the office and I took that opportunity to ask her if she felt better now that she had had a chance to directly tell the minister about her concerns, because I remember how upset she had been when I first called her, I guess it was in April—how upset she had been. I don't remember what her response was.

I also took great pains to assure her at that time that the minister had undertaken to get back to her within two

weeks and I reiterated that: "Evelyn has said that she will get back to you in two weeks." In addition, I also said to Ms Luu at this time, "Although Evelyn is concerned, there are certain things that she may not be able to do." For example, I remember saying, "She cannot go in there and wave a magic wand and make all the problems disappear, but she will indeed try and do everything that is appropriate for her to do to help resolve these problems."

Ms Cronk: Did the matter of Ms Luu being in contact with the opposition party come up in that discussion?

Ms Moey: Not at all. I did not learn about her involvement with an opposition party until I think just before these hearings began.

Ms Cronk: Did the question of the James Wallace newspaper article of June 1 come up in your discussion with her?

Ms Moey: I don't remember that.

Ms Cronk: Did you say to her, "We do not blame you at all, Trinh," or words to that effect?

Ms Moey: Not that I recall.

Ms Cronk: And did you say to her that you had been fighting very hard to get the minister to meet with her?

Ms Moey: No. Not in those words, to be fair; not in those words.

Ms Cronk: Did you suggest to her that you had been urging the minister to meet with her?

Ms Moey: No.

Ms Cronk: Or supportive of the idea that she should meet with her?

Ms Moey: What I was trying to convey to her was that I did not see why the minister shouldn't meet with her, Ms Luu.

Ms Cronk: Did you say anything to her—regardless of the verb; I understand that people take different meanings from the words that are used—that suggested that you had been trying to make that meeting happen?

Ms Moey: No.

Ms Cronk: And did you suggest to her that you had faced opposition in any way from others to that meeting occurring?

Ms Moey: No.

Ms Cronk: Even in a casual comment about—I don't want to know who or what. I'm not asking you to get into what you said to your colleagues. But did you convey to Ms Luu the impression that there were people who thought there should be no meeting, whereas you had been working on her behalf to get the meeting?

Ms Moey: If I could try and supply an answer, I think I did indicate to Ms Luu that there were people who didn't understand the necessity for a meeting with Ms Luu but that I did not see anything wrong in having a meeting with Ms Luu, and that was all I meant to say.

Ms Cronk: Thank you very much, Ms Moey.

Ms Moey: Thank you.

Mr Callahan: Mr Chair, I just wanted to, with committee counsel—

The Chair: Can I just dismiss the witness?

Mr Callahan: Well, it may have some bearing. Committee counsel was asking her about the fax that she referred to. I'm sure we can ask the minister what the fax was that was handed to her when she comes, but I'm wondering if, just to be perfectly clear and perfectly sure that we're talking about the same document, perhaps this witness could be around just to identify the document if the minister says, "Yes, it is tab 79." I don't know whether anything turns on this fax that was given to the minister, but I'm always a little concerned when I hear about a document that may have no meaning whatsoever but then may have a great deal of meaning—I don't want to put you to a great deal of trouble to try to get it.

Ms Cronk: I understand what you're saying. Could I explore over the break, rather than taking the committee's time, with Ms Kristjanson what the witness's travel plans are, as she's come here from Ottawa and she's been here for several days?

Mr Callahan: All right.

Ms Cronk: If she's not personally here to provide that confirmation, perhaps I can explore arrangements so that that might be done in sufficient time that it could be pursued in examinations.

Mr Callahan: Or in the alternative, the minister's office, if they're contacted, may be prepared to fax over here whatever she gave them.

Ms Cronk: The difficulty I have, Mr Callahan, is that I'm supposed to have all that already, and what I've got you've got. But I hear you.

The Chair: Ms Moey, I'd like to thank you for coming. I imagine the work piled up on your desk while you've been gone all week.

Ms Moey: Most undoubtedly.

The Chair: Safe trip home.

Ms Moey: Thank you.

The Chair: We're going to have a half-hour recess. We'll be back here at 25 after 2.

The committee recessed from 1354 to 1436.

BEVERLEE BELL

The Chair: I'd like to welcome Ms Beverlee Bell to the committee as our next witness, and the clerk would like to read you the oath.

Clerk of the Committee: Do you affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Ms Beverlee Bell: I do. Can you hear me?

The Chair: Yes, we did. We heard that, but you'll have to sit up to the mike there so we can hear you.

I'm going to hand it over to legal counsel here, Ms Cronk.

Ms Cronk: Thank you, sir. Mr Hourigan will have a few questions for you, Ms Bell, but I have just a couple of housekeeping matters first, if you don't mind.

Mr Chairman, I have available for the committee now, to be marked as an exhibit, a copy of the control log sheet that Ms Moey referred to in her testimony. This is

the one indicating that from the deputy minister's side of things, Ms Pretty's letter of October 29th, 1993, or a version of it, was received in the deputy minister's offices on December 22nd, 1993. I wonder if that could be marked as the next exhibit. Is that 12, I think?

The Chair: No, 15.

Ms Cronk: The next document, Mr Chairman, that I'd ask that we mark is a copy of the October 29, 1993, letter from Ms Pretty to Ms Gigantes. This is the one on the letterhead of the Van Lang Centre. That would be 16.

Mr Owens: Is this version number 4?

Ms Cronk: Three. The next document is again a version of the October 29, 1993, letter to Ms Gigantes from Ms Pretty. This is the one bearing the receipt stamp in the minister's office of November the 5th, 1993, and I'd ask that that be exhibit 17.

Thank you. That's all my housekeeping matters, sir.

Mr William Hourigan: Ms Bell, I understand you're employed by the Management Board Secretariat?

Ms Bell: Yes, I am.

Mr Hourigan: What is your position there?

Ms Bell: I'm a special assistant in Ottawa.

Mr Hourigan: How long have you held that position?

Ms Bell: Since 1991.

Mr Hourigan: Okay.

Ms Bell: End of August.

Mr Hourigan: All right. Can you outline briefly for me your duties and responsibilities in that post?

Ms Bell: I assist cabinet ministers that travel into Ottawa, and PAs also, in assisting with their scheduling, setting up press conferences. When ministers ask to come into town, I try to facilitate those needs.

Mr Hourigan: All right. During the course of your duties, were you requested to involve yourself in setting up the meeting that's the subject matter of this inquiry?

Ms Bell: Yes, I was.

Mr Hourigan: Okay. Who did you receive that request from?

Ms Bell: I got a call from Audrey Moey asking if there would be a boardroom available for a meeting with Evelyn and the Van Lang Centre for June the 17th at 11:30. There was, so I set one up.

Mr Hourigan: All right. When was that request made?

Ms Bell: Some time the beginning of June, but I don't know the exact date.

Mr Hourigan: Do you say it's a week before, two weeks before?

Ms Bell: A week or two before is about as close as I could get.

Mr Hourigan: Okay, fine. You mentioned that it was with the Van Lang Centre. Who did you understand was going to be attending from the Van Lang Centre?

Ms Bell: Audrey may have mentioned that it was with the board, but I'm not sure.

Mr Hourigan: Were you ever provided with a list of participants for the meeting?

Ms Bell: No.

Mr Murphy: I'm sorry. I should have done this earlier and I apologize. Did we clarify whether Ms Bell is exempt staff or a civil servant?

Ms Bell: I'm political staff.

Mr Hourigan: If I understand your evidence then, you simply set up the boardroom?

Ms Bell: That's right. I booked the boardroom.

Mr Hourigan: Did you do anything else in terms of setting up the meeting?

Ms Bell: No, I didn't.

Mr Hourigan: Prior to the meeting, were you provided with any information about the purpose of the meeting?

Ms Bell: No, I wasn't.

Mr Hourigan: Were you provided information with respect to the background of the problems at the Van Lang Centre?

Ms Bell: No, I wasn't.

Mr Hourigan: Again, prior to the meeting did you have any discussion, other than the discussion you had that you mentioned with Ms Moey, with Ms Gigantes or any of her staff about the meeting?

Ms Bell: No.

Mr Hourigan: Were you in attendance at the meeting?

Ms Bell: Yes, I was.

Mr Hourigan: Is that normal practice for you to attend meetings that you've set up?

Ms Bell: Yes, it is.

Mr Hourigan: Do you recall who was in attendance?

Ms Bell: I don't know the names of the people that were there because I arrived about 10 minutes late into the meeting. As they were starting the meeting, I got a phone call, went back to my office and responded to that, so I don't know all the names of the participants there.

Mr Hourigan: All right. So you missed the first five to 10 minutes of the meeting then?

Ms Bell: I'd say about the first 10 minutes, yes.

Mr Hourigan: All right. Do you recall today anybody who was there?

Ms Bell: Evelyn was there; Audrey Moey; I've met Brian Sutherland at Housing events with Evelyn, so I recognized him; and the other people I did not know.

Mr Hourigan: All right. Did you know Ms Sharron Pretty?

Ms Bell: No, I did not.

Mr Hourigan: All right. What time was the meeting set up for?

Ms Bell: Eleven-thirty.

Mr Hourigan: Did it start right at 11:30 that you recall?

Ms Bell: I think so.

Mr Hourigan: All right. How long did it run approximately?

Ms Bell: An hour and 15 minutes, an hour and a half.

Mr Hourigan: Okay. You mentioned that you arrived late. Did anybody else either arrive late or leave the meeting?

Ms Bell: No one left the meeting, but Brian Sutherland arrived late.

Mr Hourigan: When you say he arrived late, did he arrive after you had entered the meeting?

Ms Bell: He arrived about, yeah, maybe five minutes after I got into the meeting.

Mr Hourigan: All right. So you were about 10 minutes late. So you would estimate that he was 15 minutes late. Is that fair?

Ms Bell: That would be fair.

Mr Hourigan: When you arrived in the meeting, had discussions already begun?

Ms Bell: Yes, they had.

Mr Hourigan: Okay. Did you observe whether anyone was running the meeting? Was there a chairman of the meeting?

Ms Bell: No.

Mr Hourigan: No? You didn't observe one—

Ms Bell: I didn't observe one, no.

Mr Hourigan: Did you take notes at the meeting?

Ms Bell: No, I did not.

Mr Hourigan: Did you notice if anybody else did?

Ms Bell: I noticed Audrey jotting down notes. Sharron Pretty, who I now know was Sharron Pretty, was jotting down notes. To the best of my memory, that's about it.

Mr Hourigan: Okay. To your knowledge, was the meeting recorded in any other way?

Ms Bell: No.

Mr Hourigan: Do you recall what was being discussed when you entered into the meeting, the topic of conversation?

Ms Bell: I seem to recall that Evelyn was talking that sometimes within groups, organizations, it can be difficult for individuals to agree on things, and Mr—Dr Le, I believe his name is—

Mr Hourigan: Yes.

Ms Bell: —was mentioning how the Vietnamese community in Ottawa was a young community.

Mr Hourigan: Okay. I want to take you to some specifics of the meeting, but before I do that I just wanted to ask you what your impression was of the general tone of the meeting.

Ms Bell: When I walked in?

Mr Hourigan: When you walked in and throughout.

Ms Bell: When I walked in, it was fine. There were some moments where the discussion was heated.

Mr Hourigan: And can you describe those moments for me?

Ms Bell: Um, it seems to me Sharron was saying that she was trying to get information from the board.

Mr Hourigan: Yes.

Ms Bell: And it either wasn't forthcoming or she

wasn't getting it, and the gentleman who sat to her left—I don't know his name—was saying, "Well, you don't come to board meetings; that's why you don't get the information," and she said, "I can't come on the specific day that you have them," and I don't remember the date. He said, "Well, you asked for that day," and she said, "My schedule changed," I think, but I don't know what day she said she had changed to.

Mr Hourigan: Right.

Ms Bell: And I believe she said she'd made a request, but to who I don't know, to have the meetings changed, and that was a bit of a heated discussion.

Mr Hourigan: Were there any other heated discussions that you can recall?

Ms Bell: Around the superintendent.

Mr Hourigan: Yes. What was the nature of those discussions?

Ms Bell: Again, I believe it was the gentleman to the left of Sharron Pretty who said that the superintendent was very stressed out because of pressures—I was led to believe by Sharron, because he was directing the statement to her—and that he had to take a leave of absence from his job. He had a pay cut. She'd asked if his rent had been reduced and he said yes. That was a bit of a heated back-and-forth.

Mr Hourigan: Anything else that you can think of in that vein? Any other heated discussions?

Ms Bell: No.

Mr Hourigan: Okay. During the course of the meeting, at least when you were in attendance at the meeting, do you recall any discussion of an upcoming board meeting to remove Sharron Pretty as a director?

Ms Bell: Yes, I do.

Mr Hourigan: Okay. What do you recall was said about that?

Ms Bell: I believe it was Sharron—the first time I recall it being brought up was Sharron saying, "Well, I'm not going to be on the board much longer anyway because they're going to remove me" or "kick me off," something like that. And, um—

Mr Hourigan: That was the first time—

Ms Bell: That was the first time I remember it being brought up.

Mr Hourigan: Do you remember the context of her making that statement?

Ms Bell: I think it was after the discussion about her not attending the other board meetings. The discussion was getting heated, and I seem to recall Evelyn saying, "Let's keep cool heads here; let's try to, you know, see if we can work this thing out," and Sharron saying, "Well, I'm not going to be on the board that much longer anyway."

Mr Hourigan: All right. Was it mentioned again that you can recall?

Ms Bell: Not to my knowledge, no.

Mr Hourigan: Okay. The reason I asked was because when I asked you the first time, you said the first time you recall.

Ms Bell: Oh.

Mr Hourigan: But you're telling me that it was only the one time as far as you can recall. Is that right?

Ms Bell: Mm-hmm.

Mr Hourigan: Okay. And that was the extent of the conversation? Did anybody reply to Ms Pretty when she indicated that?

Ms Bell: Again, it's difficult for me because I don't know the names of the people that were sitting around the table.

Mr Hourigan: Without giving the names, was there any reply by anybody sitting at the table to the topic?

Ms Bell: I believe Evelyn said to her or said generally to the people in attendance, would they consider perhaps not having this meeting, but they didn't have to make that decision now.

1450

Mr Hourigan: Okay. When you say "consider not having this meeting," what meeting are you referring to?

Ms Bell: The meeting to remove Sharron from the board.

Mr Hourigan: Okay. And what response, if any, was given by the board members to that statement?

Ms Bell: I don't recall a specific response being given because Evelyn said, "You don't have to respond right now and I'd like you to think about that."

Mr Hourigan: Do you recall the context of the minister making that statement?

Ms Bell: The context of her saying "think about it"?

Mr Hourigan: The context of her making the suggestion that they think about not holding that meeting.

Ms Bell: It was from when Sharron said that they were going to have the special meeting—

Mr Hourigan: All right.

Ms Bell: —I believe on the Sunday, to remove her.

Mr Hourigan: So when Ms Pretty indicated earlier that she wasn't going to be on the board much longer, it was at that point that the minister made this suggestion? Is that what you're telling me?

Ms Bell: That's right. That's what I remember, yes.

Mr Hourigan: And you don't recall any further discussion on the issue?

Ms Bell: No, I don't.

Mr Hourigan: Okay. Did anyone appear to agree or disagree with the suggestion made?

Ms Bell: No, I think it was—to me, I just seem to recall it as being a general statement or a general option.

Mr Hourigan: And that was the only reference that you can recall in the meeting to the issue of removing Sharron Pretty as a director at the centre?

Ms Bell: I think so, yes.

Mr Hourigan: Okay. During the time that you were in attendance at the meeting, do you recall any discussion with respect to Corporations Act charges that were pending or any other legal proceedings pending by Ms Pretty against the other board members?

Ms Bell: I don't recall Corporations Act coming up at all. At one point in a conversation, Sharron said: "It's out of my hands; it's in the crown's hands," and I do not remember in what context that was said in.

Mr Hourigan: All right. Can you help me then with specifically what she said? You told me that—

Ms Bell: I seem to remember her saying: "It's out of my hands; it's in the crown's."

Mr Hourigan: Did she say what was out of her hands?

Ms Bell: Not to my knowledge.

Mr Hourigan: And did you take from that that she was discussing charges of some sort?

Ms Bell: No, because I had no idea there were any.

Mr Hourigan: Sorry. Let me be fair to you.

Ms Bell: Okay.

Mr Hourigan: Let me be fair to you. Before you went into the meeting, did you have any knowledge of the Corporations Act charges?

Ms Bell: No.

Mr Hourigan: Okay. So there was a reference to something being out of her hands?

Ms Bell: Mm-hmm.

Mr Hourigan: And you don't recall what she—or you don't recall whether she indicated one way or the other what she was talking about.

Ms Bell: No.

Mr Hourigan: And you don't remember the context of that discussion. Is that fair?

Ms Bell: That's fair.

Mr Hourigan: Okay. Do you remember if there was any response to that statement?

Ms Bell: Because I don't know the issues around what the concerns are, it's difficult for me to remember what exactly was said or even vaguely said.

Mr Hourigan: No, I appreciate that.

Ms Bell: I remember Evelyn saying somehow that would it be possible for people to work together and come to some kind of perhaps consensus.

Mr Hourigan: All right. Was that statement made before or after the statement you just told me about by Sharron Pretty about being out of her hands and being in the crown's hands?

Ms Bell: I remember actually Evelyn saying that a couple of times.

Mr Hourigan: Okay.

Ms Bell: So I don't know where in—

Mr Hourigan: Do you know if it was mentioned at or about the same time or in a general discussion when that statement was made by Ms Pretty?

Ms Bell: I think it was really a general discussion.

Mr Hourigan: All right. So you don't—as far as you can recall, was the statement by Ms Pretty that it was out of her hands and in the hands of the crown a response to the suggestion made by Ms Gigantes?

Ms Bell: Not that I can recall.

Mr Hourigan: One way or the other or—

Ms Bell: One way or the other.

Mr Hourigan: Okay. So you just don't remember the context? Is that fair?

Ms Bell: That's right.

Mr Hourigan: Do you recall any reference in the meeting, while you were in attendance, to the term "drop the charges"?

Ms Bell: No, I do not.

Mr Hourigan: One way or the other?

Ms Bell: I don't recall it.

Mr Hourigan: You don't recall it at all.

Ms Bell: No.

Mr Hourigan: Okay. What about "withdrawing of charges"?

Ms Bell: No.

Mr Hourigan: Anything similar to that in terms of not proceeding with actions or not proceeding with legal actions? Anything of that nature do you recall being mentioned?

Ms Bell: Again, it was around a general discussion and I don't know the exact wording that was used, but Evelyn said if there was an indication to—I don't know what word was used there, it could have been "crown," I'm not sure—

Mr Hourigan: Right.

Ms Bell: —that the issues had been resolved, it might be of interest.

Mr Hourigan: It might be of interest to whom?

Ms Bell: Again, the crown; I don't know.

Mr Hourigan: You don't recall one way or the other who she was referring to?

Ms Bell: No.

Mr Hourigan: You told me one specific reference to the term "crown." And you're suggesting to me that there may have been a further reference by Ms Gigantes to the term "crown." Do you recall any further discussion or reference to the term "crown" or "prosecutor," "crown attorney"?

Ms Bell: No, I don't.

Mr Hourigan: Okay. The suggestion was put forward, or this idea was put forward by Ms Gigantes, that perhaps something would be of interest to the crown. All right? Do you have any idea what specifically she was referring to would be of interest to the crown?

Ms Bell: I remember it as being very general, that if issues were addressed or concerns met.

Mr Hourigan: And did you understand what she meant by those phrases?

Ms Bell: No, because, again, I don't know what the issues were.

Mr Hourigan: And that's fair. That's fair. I'm just trying to get your best recollection.

During the course of the meeting when you were in attendance, do you remember a discussion of a future meeting?

Ms Bell: Yes, I do.

Mr Hourigan: Can you tell me about that?

Ms Bell: Evelyn wondered if the board members would be interested in having a future meeting to discuss issues, that they should think about it and not say one way or the other if that's what they wanted to do, but if they did, I believe Brian Sutherland was either offered as a facilitator or he said he would, and some group also could be there as facilitator, some Ontario non-profit group.

Mr Hourigan: Right. You used the term "issues." Was that the phrase, or the term, that Ms Gigantes used in making the suggestion? You said, "a future meeting to discuss issues." Is that what she said, "issues?"

Ms Bell: That's what I remember.

Mr Hourigan: And do you remember her elaborating on that, or anybody else elaborating on that at all?

Ms Bell: No.

Mr Hourigan: Okay. Do you know when this suggestion of a future meeting was raised, at what point in the meeting?

Ms Bell: I think towards the end of the meeting.

Mr Hourigan: And was there any response by anybody to the suggestion?

Ms Bell: People seemed to be looking like, yes, that would be a possibility. I don't recall anybody responding yes.

Mr Hourigan: Do you recall anybody responding no?

Ms Bell: No, I don't.

Mr Hourigan: But you seem to perceive some indication that there was some agreement to this idea. Is that fair?

Ms Bell: That was my sense.

Mr Hourigan: Who was indicating that to you?

Ms Bell: Just by looking around the room and people seemed to be—

Mr Hourigan: Specifically, was Ms Pretty one of the people that you were observing at that point?

Ms Bell: I think before that suggestion came up, Evelyn asked if she thought progress had been made, and I do remember people, everybody, nodding their head.

Mr Hourigan: Including Ms Pretty?

Ms Bell: On that one, yes. On the one with the future meeting, I can't be a hundred per cent sure.

Mr Hourigan: That's fine. So as far as you're aware, there was no resolution of that idea. There was no decision made about a future meeting or when it would be held or anything like that.

Ms Bell: No.

Mr Hourigan: Is it fair to say—I'm just getting a general impression, and I want to be fair to you—that this was a meeting that you knew nothing about in terms of what was going to be discussed, and would it be fair to say that you weren't really paying a great deal of attention to what was going at the table?

Ms Bell: That would be a fair assessment. That would be a fair assessment, yes.

1500

Mr Hourigan: All right. During the time you were in attendance at the meeting, do you recall any reference to an agreement or an understanding whereby the board would not proceed with a motion to remove Ms Pretty if Ms Pretty would agree to withdraw charges or not proceed with charges?

Ms Bell: No.

Mr Hourigan: Leaving the meeting, was that your impression, that there had been any type of agreement or an understanding in that matter?

Ms Bell: No. Excuse me, that there was an agreement that if there was no special meeting?

Mr Hourigan: No. Sorry, let me be clear. Was it your understanding leaving the meeting that there had been an agreement or an understanding that if the board, on the one hand, decided not to proceed with an action to remove Ms Pretty, and Ms Pretty, on the other hand, proceeded to ensure that the charges were dropped or not proceeded with or that the legal proceedings that she had were not proceeded with, that there would be an agreement of that nature?

Ms Bell: No.

Mr Hourigan: All right. You don't recall anybody else discussing that?

Ms Bell: No.

Mr Hourigan: What was the—how would you describe the minister's tone in her dealing with the board members and with Ms Pretty?

Ms Bell: She was very calm. She was very soft-spoken. The phrase I remember her repeating a lot was: "Take your time. You don't have to say anything now. I don't want people to feel pressured."

Mr Hourigan: Who do you recall her saying that to?

Ms Bell: To board members whenever she was talking to them.

Mr Hourigan: To board members generally?

Ms Bell: Board members generally, to Sharron.

Mr Hourigan: Did the minister indicate any surprise that Ms Pretty was in attendance at the meeting?

Ms Bell: No. Well, I must say that I walked in late, so I don't know.

Mr Hourigan: All right, that's fine. Ms Pretty's evidence, to be fair, is that she felt pressured into accepting this deal or compromise that we were just discussing, whereby the board would not remove her and she would withdraw charges, and she felt that she was pressured by the minister to make a decision about an agreement of that nature at the meeting. To your observation, do you believe Ms Pretty was ever pressured by the minister?

Ms Bell: No.

Mr Hourigan: Do you believe that any of the board members were pressuring her in any way?

Ms Bell: It could have been perceived as pressure when there was that heated exchange between Ms Pretty and the gentleman to her left over board meetings that she was not attending.

Mr Hourigan: Right.

Ms Bell: It got a bit heated at that point.

Mr Hourigan: Anywhere else where you would perceive any type of pressure put on Ms Pretty?

Ms Bell: No.

Mr Hourigan: Okay. Did you feel that the minister was putting any pressure on the board members to make any type of decision at the meeting?

Ms Bell: No.

Mr Hourigan: Did the minister ever strongly recommend that the meeting to remove Ms Pretty not go ahead?

Ms Bell: No, I believe she presented it as an option that they should perhaps consider, think about.

Mr Hourigan: And at that point—we may have touched on this earlier—was there any response from the board members about that option as it was put out?

Ms Bell: I don't remember a discussion ensuing around that with the other board members to say yes or no one way or the other.

Mr Hourigan: All right. During the course of the meeting when you were in attendance was the term "deal" ever used?

Ms Bell: No.

Mr Hourigan: Was the term "compromise" used?

Ms Bell: I don't know one way or the other if the word "compromise" was used.

Mr Hourigan: Fine. How did the meeting end?

Ms Bell: It ended with people thanking Evelyn for having the meeting and then I left to go pick up my messages, so—

Mr Hourigan: Sorry, when you left, were people still in the meeting room?

Ms Bell: They had all stood up and they were walking towards the door at that point.

Mr Hourigan: Okay. After the meeting, did you have any discussions with anybody who was in attendance at the meeting?

Ms Bell: No. I went down in the elevator with Evelyn and Audrey and Sharron Pretty, but I didn't say anything.

Mr Hourigan: All right. Were there discussions ongoing when they were all in the elevator?

Ms Bell: It was a very general discussion. I don't recall, actually, the details of the discussion.

Mr Hourigan: At that point, did Ms Pretty seem upset to you, rattled at all?

Ms Bell: No.

Mr Hourigan: While you were in attendance at the meeting or afterward, did Ms Pretty ever indicate that she felt pressured by anyone at the meeting?

Ms Bell: I think at one point she said something, and again I think it's to the gentleman to the left. It was a discussion about the superintendent: "Stop yelling at me," or something like that, but I'm not quite sure of what the words were that she used.

Mrs Marland: Sorry. What was the last sentence about the superintendent? I didn't hear.

Ms Bell: There was some discussion about the super-

intendent between Ms Pretty and the gentleman to the left of her. I think it was at that point. That was a little bit of a heated discussion also. I think it was at that point she said something like, "You're yelling at me" or "Stop yelling at me." I can't remember.

Mr Paul Johnson: Could I just ask for a little clarification? When we speak of the gentleman speaking to the left of her, I'd like to know—

Ms Bell: I don't know his name; I'm sorry.

Mr Paul Johnson: Oh, no, I don't need to know his name, but because there will be some inferences as to who sat where from earlier evidence, I just wanted to know, was it to her left or was it to your left?

Ms Bell: To Sharron Pretty's left.

Mr Paul Johnson: Okay, thank you.

Mr Hourigan: So, I'm sorry: Getting back to the question, there was that one instance when Ms Pretty indicated to the gentleman to her left that he should back off. Was there any other time when she indicated she was feeling pressured at the meeting?

Ms Bell: Not to my knowledge, no.

Mr Hourigan: Is there anything else about the June 17th meeting that you think I should know about that we haven't dealt with?

Ms Bell: No. As I said, I wasn't aware of the issues surrounding the meeting or the issues discussed. It was a very general thing for me.

Mr Hourigan: All right. On June the 10th, there's been evidence that there was a meeting attended by the minister, Audrey Moey and Trinh Luu. There has also been evidence that you may have been in the constituency office at the time of the meeting. Do you recall that?

Ms Bell: Yes, I park my car at the constituency office and walk up to my office every day. It was late on a Friday afternoon. It could have been anywhere from a quarter to 5, to 5; I'm not too sure of the timing. Often I will pop in to say: "Goodbye. Have a good weekend, folks." Evelyn was in her office with Trinh and Audrey.

Mr Hourigan: Did you hear or witness any of the discussions that were ongoing at that time?

Ms Bell: No. I did go in, though, because Evelyn, I know, had an event after that meeting outside the riding office. The meeting was running a bit late and I went in to say, "You're going to have to hurry up," or something to that effect.

Mr Hourigan: Were you attending the meeting or the event afterward with Ms Gigantes?

Ms Bell: No, Paul Dewar took Evelyn there.

Mr Hourigan: When you were in the constituency office on the 10th, was there any discussion of the possibility of Ms Luu being offered a position of any nature by the minister?

Ms Bell: Not to my knowledge.

Mr Hourigan: You don't have any recollection of that?

Ms Bell: No, not at all.

Mr Hourigan: Okay. Those are all my questions.

Mrs Marland: Did you say that you park your car regularly at the constituency office?

Ms Bell: Mm-hmm.

Mrs Marland: So every Friday, as another weekday, you would be popping in to say: "Goodbye. Have a nice weekend."

Ms Bell: Not every Friday, no.

Mrs Marland: So it would be useless to ask you if you recall popping in on Friday, the 29th of October.

Ms Bell: I wish I knew, but I don't know that.

Mrs Marland: Thank you. That's all my questions.

Mr Owens: Nice try; such decisive questions, counsel for the prosecution.

The Chair: Where were you, Margaret, October 29th?

Ms Cronk: She's going to be able to tell you.

Mrs Marland: I can tell you, because I—

Interjections.

1510

Mr Sutherland: We don't want to know.

I just have a couple of questions and I just want to reiterate some of the points that counsel has asked. In response to questions from counsel, you indicated that you thought the minister was in a—or her tone was she was soft-spoken, I believe you used that terminology, and didn't seem—and maybe you didn't use these exact words, so I'll have to be cautious—upset or anything like that?

Ms Bell: No.

Mr Sutherland: Would you describe her as being somewhat—do you have any sense as to whether you got the sense that she was trying to act as a facilitator, a mediator, or trying to be a helpful person?

Ms Bell: Yes.

Mr Sutherland: Okay. You also indicated that you remember the minister saying on several occasions to, "Take your time to make decisions and don't feel pressured to make decisions"?

Ms Bell: That's correct.

Mr Sutherland: Okay. You also, I believe, gave evidence that you don't recall any terminology such as "a deal" being used?

Ms Bell: No.

Mr Sutherland: Okay, that's it for me. Thanks.

Mr Owens: Thank you for your testimony, Ms Bell. As part of your job description or description of duties, do you arrange and attend a lot or a number of meetings with cabinet ministers?

Ms Bell: Yes, I do.

Mr Owens: Is it your recollection and understanding that you did come in late to the meeting? Did you hear anything during the time period that you were at this meeting that caused you some concern that you perceived may be cast in a negative light?

Ms Bell: I don't understand. Did I hear anything—

Mr Owens: Yeah, did you, in terms of the discussion—

Ms Bell: —during the meeting?

Mr Owens: Yeah, during the meeting, in terms of the discussion that was going on, the exchanges, anything that the minister may have said at that time that you may have perceived, that may have been perceived in a negative light?

Ms Bell: What do you mean by "negative light"? I'm sorry, I don't understand.

Interjection: The lights were turned down.

Mr Owens: Yeah, the lights were turned down. I think my lights are turned down today.

In terms of the kinds of discussions that—

Interjection.

Mr Owens: Charlie's are off, so—

Mr Harnick: I didn't say that; that was Callahan. You'd better apologize to him.

Interjections.

The Chair: Order, order, order. Okay, Mr Owens.

Mr Owens: We'll try this one more time. Was there anything that you felt that caught your attention more than anything else at that meeting that may have been perceived by others outside the meeting in a negative way?

Ms Cronk: Sorry, Mr Owens, I would prefer to do it—

Mr Owens: Okay, I'll stop trying to ask that question. Somebody better give me batteries.

Mr Marchese: Could you rephrase it again?

Mr Owens: In terms of the recollections of your time in the meeting, did you at any point hear the minister ask Sharron Pretty to drop charges?

Ms Bell: No, I did not.

Mr Owens: Did you, in your perception of the meeting, have any understanding that there was any type of persuasion being utilized by the minister to have Sharron Pretty drop the charges?

Ms Bell: No.

Mr Owens: Do you believe that there is a qualitative difference between mediation and persuasion?

Ms Bell: Oh.

Mr Callahan: Is this Jeopardy, or what?

Mr Hourigan: I don't quite understand the question.

Ms Bell: Yeah, I don't understand the question. I'm sorry.

Mr Callahan: I think it's double jeopardy.

The Chair: That's three times you've struck out.

Mr Owens: Anyway, I'll return to the other batters.

Mrs Mathyssen: At certain risk, I think I may have understood Mr Owens's meaning and perhaps I could ask you, Ms Bell, is your job to arrange meetings for cabinet ministers?

Ms Bell: Yes.

Mrs Mathyssen: All right. As such, you're acquainted with rules or protocol surrounding what cabinet ministers may say, may not say, how cabinet ministers should behave? Is that correct?

Ms Bell: Are you trying to say that I'm supposed to know how they are supposed to behave?

Mrs Mathysen: No, that's a mystery, but—

Ms Bell: I'm getting lost here.

Mrs Mathysen: All right. Are you familiar with what is appropriate in terms of what a cabinet minister might promise or say to someone in terms of dealings with an individual?

Mr Hourigan: Hold on for a second. I don't think that this witness is qualified to answer that question.

Mrs Mathysen: All right.

Interjection.

Mrs Mathysen: Then I'll pass.

Mr Harnick: Does that answer your question, Steve?

Mr Owens: Absolutely.

The Chair: Okay. Are you finished there?

Mrs Mathysen: Yes.

Mr Callahan: You've told us that there were conflicts in the meeting. Did the minister do anything to interfere in those conflicts or did she just sit there and let them go on?

Ms Bell: No, my sense was that she tried to draw everybody back to calm and keep cool heads.

Mr Callahan: I'm thinking most specifically of the time that Ms Pretty was having the argument with the fellow sitting next to her on the right. That was quite a—

Ms Bell: On her left.

Mr Callahan: —hot discussion, wasn't it?

Ms Bell: I wouldn't describe it as quite hot. It was heated.

Mr Callahan: All right. Well, we'll leave the degrees. But she didn't step in and say, "Back off buddy," to leave her alone, or anything like that?

Ms Bell: During the period I recall two heated discussions. Evelyn did say—I kind of remember her going like this, "Let's have calmer heads prevail here."

Mr Callahan: And just one final item: Do you read the Ottawa Sun?

Ms Bell: No, I don't.

Mr Callahan: You don't. So you weren't aware of Mr Wallace's article that appeared June first, 1994, in the Ottawa Sun?

Ms Bell: No, I wasn't.

Mr Callahan: I see. That wasn't the topic around town in Ottawa?

Ms Bell: Not to my knowledge.

Mr Callahan: Thank you.

The Chair: Mr Hourigan, any questions?

Mr Hourigan: No, nothing further, thank you.

The Chair: Miss Bell, I'd like to thank you for coming before the committee today.

Ms Bell: Thank you.

The Chair: Can we have a five-minute recess to allow the press to come in?

The committee recessed from 1518 to 1527.

Report continues in volume B.

CONTENTS

Friday 12 August 1994

Alleged breach of conflict-of-interest guidelines	M-729
Audrey Moey	M-729
Beverlee Bell	M-766

Continued in volume B

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

***Chair / Président:** Hansen, Ron (Lincoln ND)

Vice-Chair / Vice-Président: Wessenger, Paul (Simcoe Centre ND)

Dadamo, George (Windsor-Sandwich ND)

***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)

MacKinnon, Ellen (Lambton ND)

***Mathysen, Irene** (Middlesex ND)

McClelland, Carman (Brampton North/-Nord L)

Morin, Gilles E. (Carleton East/-Est L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

***Sutherland, Kimble** (Oxford ND)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland

Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan

Harnick, Charles (Willowdale PC) for Mr Villeneuve

Marchese, Rosario (Fort York ND) for Mr Dadamo

Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling

Murphy, Tim (St George-St David L) for Mr Morin

Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon

Wininger, David (London South/-Sud ND) for Mr Wessenger

Clerk / Greffière: Freedman, Lisa

Also taking part / Autres participants et participantes:

Kristjanson, Freya, legal counsel to Sue Lott

Staff / Personnel:

Cronk, Eleanore, counsel to the committee

Hourigan, William, counsel to the committee

McLellan, Ray, research officer, Legislative Research Service

C12011
X620
- L20

M-27B



M-27B

ISSN 1180-436X

Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Friday 12 August 1994

Standing committee on
the Legislative Assembly

Alleged breach of
conflict-of-interest guidelines

Chair: Ron Hansen
Clerk: Lisa Freedman

Journal des débats (Hansard)

Vendredi 12 août 1994

Comité permanent de
l'Assemblée législative

Allégations d'enfreinte aux consignes
sur les conflits d'intérêts

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944–1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY

Friday 12 August 1994

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Vendredi 12 août 1994

*Report continued from volume A.*ALLEGED BREACH OF
CONFLICT-OF-INTEREST GUIDELINES
EVELYN GIGANTES

The Chair: I'd like to welcome the Honourable Evelyn Gigantes as our next witness. The clerk will administer the oath to you, Evelyn.

Clerk of the Committee: If you could take the Bible in your right hand: Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Hon Evelyn Gigantes (Minister of Housing): I do.

The Chair: Ms Cronk, your witness.

Ms Cronk: Thank you. Good afternoon, Ms Gigantes.

Hon Ms Gigantes: Good afternoon.

Ms Cronk: Ms Gigantes, I know that your colleagues in this room know, certainly better than do I, your background, but I want to make sure that I understand it before we begin our discussion today. So may I just confirm very quickly that you are the MPP for Ottawa Centre.

Hon Ms Gigantes: Yes.

Ms Cronk: And that you were first elected as an MPP in 1975, I believe.

Hon Ms Gigantes: Correct.

Ms Cronk: And you served in the Legislature through the years 1975 to 1981—

Hon Ms Gigantes: Yes.

Ms Cronk: —1984 to 1987—

Hon Ms Gigantes: Yes.

Ms Cronk: —and currently serve, of course, in the House as well as Minister of Housing.

Hon Ms Gigantes: That's correct.

Ms Cronk: And you have been responsible for that portfolio since when, Ms Gigantes?

Hon Ms Gigantes: August of 1991.

1530

Ms Cronk: Ms Gigantes, I have indicated to each witness as the course of the week unfolded, and I wish therefore to indicate it to you as well, that the terms of reference, as you know, of this committee are concerned specifically with the events on June 17, 1994, at a meeting which, we understand, you attended at the Van Lang Centre with representatives of that group and some of your own staff. Much, therefore, of the background

relating to the Van Lang Centre, various concerns and allegations expressed about it over the course of time and, as I've framed it before, the adequacies or inadequacies of responses to those concerns or allegations are not, in my view, relevant to the work of this committee. I wanted you to understand that, and I assume you do.

Hon Ms Gigantes: Yes.

Ms Cronk: Having said that, I am obliged to ask you certain questions concerning the general background relating to the Van Lang Centre and, in particular, relating to information that was or was not provided to you at various points and, as well, your own personal involvement, when you had any, with respect to the participants involved in the Van Lang Centre. May we agree to discuss it on that basis?

Hon Ms Gigantes: Absolutely.

Ms Cronk: All right. I've been here for a long week, Ms Gigantes, and I suspect it has been a long week for others. So if my questions to you are not clear or you don't understand the meaning of my question, would you indicate that to me?

Hon Ms Gigantes: Yes. I think you've been doing fine, though.

Ms Cronk: Well, that's very nice. Thank you. But it's late and it's Friday afternoon.

Hon Ms Gigantes: Yes, I know.

Ms Cronk: My point is, I'll try to make my questions quite specific and I'd be grateful if you'd tell me if they're not and I'd be grateful if your answers were, as well, specific, if you can make them that.

Hon Ms Gigantes: Yes.

Ms Cronk: Thank you very much. I'd like to begin, if I could, by discussing with you certain aspects of the conflict-of-interest guidelines and your understanding of them. There's a mountain of paper in front of you.

Hon Ms Gigantes: Yes.

Ms Cronk: I know that you're represented by counsel and I assume that they're here, although I can't see them. Is Mr Brown or Ms Lovell here with you?

Hon Ms Gigantes: They're not here in this room.

Ms Cronk: All right. Is that your preference?

Hon Ms Gigantes: Yes, it is.

Ms Cronk: All right. May I ask you then, if you need assistance in finding the paper, would you indicate that? I will do it in their absence.

Hon Ms Gigantes: I will. Thank you.

Ms Cronk: But you'll need exhibit 1, volume 1.

Hon Ms Gigantes: Exhibit 1—got it.

Ms Cronk: If you turn to tab 2 of that book of exhibits, Ms Gigantes, you'll see that we've reproduced a copy of the Premier's conflict-of-interest guidelines. Do you have those?

Hon Ms Gigantes: I do.

Ms Cronk: I take it that as a cabinet minister in the government you acknowledge that you are bound by those guidelines.

Hon Ms Gigantes: Yes, and in fact cabinet participated in their creation.

Ms Cronk: All right. At that time that that occurred, were you one of the cabinet participants in those discussions?

Hon Ms Gigantes: Yes.

Ms Cronk: So you were involved both in their formulation and in the considerations of cabinet of them?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. Would it be fair of me to suggest that because as a minister of the crown you are bound by the guidelines, you therefore are obliged to be both sensitive to conflict-of-interest issues and alive to the prospect that they might arise?

Hon Ms Gigantes: Yes, indeed.

Ms Cronk: And, when they do arise, to seek that advice that you are either required to seek or that you think appropriate in the circumstances?

Hon Ms Gigantes: Yes.

Ms Cronk: And as well, without in any way meaning to be fatuous, to exercise a measure of good judgement and public responsibility about it?

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. If I could ask you to consider, first, the purpose section of the guidelines, it is indicated in section 1 that the purpose of the Premier's guidelines is, "To increase public confidence in the integrity of government...", and for that purpose the "guidelines impose upon cabinet ministers and parliamentary assistants more stringent standards of conduct than those imposed by existing conflict-of-interest legislation and policies." Do you endorse that expression of the purpose of these guidelines?

Hon Ms Gigantes: Yes, I do.

Ms Cronk: Is it your understanding, as I suggest the language implies, that the intended purpose is to set a standard of conduct for those bound by the guidelines, that is, cabinet ministers and parliamentary assistants, that is higher than that imposed in other ways legally on others involved in the process of government?

Hon Ms Gigantes: Exactly.

Ms Cronk: So that whatever standard might apply to a member of Parliament, that standard is higher for a cabinet minister or a parliamentary assistant?

Hon Ms Gigantes: Exactly.

Ms Cronk: Looking at the fundamental principles section of the guidelines, specifically sections 4 and 5, section 4 provides that, "Ministers shall at all times act in a manner that will bear the closest public scrutiny."

Hon Ms Gigantes: Yes.

Ms Cronk: May I assume that as a member of government you also endorse that principle?

Hon Ms Gigantes: I certainly do.

Ms Cronk: With respect to section 5, "Ministers shall perform the duties of office and arrange their affairs in such a manner as to maintain public confidence and trust in the integrity of the government"?

Hon Ms Gigantes: Yes.

Ms Cronk: And—could I just ask you to confirm—I assume as well that you endorse that principle wholeheartedly as well?

Hon Ms Gigantes: I certainly do.

Ms Cronk: With respect to the balance of the guidelines, you'll be relieved to know I'm not going to take you through every section of these, but could I ask you to look, if you would, please, at section 24. Am I correct in my reading of it that that section is concerned particularly with a minister's activities in and about their constituency office duties as a member of Parliament?

Hon Ms Gigantes: Yes.

Ms Cronk: That section contemplates or provides that "Where a minister's constituency office undertakes activities in which members"—I take that to be members of Parliament—

Hon Ms Gigantes: Yes.

Ms Cronk:—"normally engage on behalf of constituents," there is an obligation and a duty on ministers to "take all reasonable steps to ensure that their office as minister is not used to further the interests of the constituent"?

Hon Ms Gigantes: Yes.

Ms Cronk: You have a considerable—you probably have many, Ms Gigantes, but you've got one certainly—advantage in respect to this discussion: I am not as fully familiar with the realities of running a constituency office as a member of Parliament or the many duties that are associated with being a minister of the crown, as you are, by a long, long stretch. So I want to make sure that I'm understanding this section correctly. Is this saying that there is a difference to be borne in mind between a member of Parliament's duties with respect to—let me rephrase it—there's a difference to be borne in mind between a minister's responsibilities in their capacity as a member of Parliament in the constituency sphere as distinct from their responsibilities as a minister of the crown?

Hon Ms Gigantes: That's correct.

Ms Cronk: And that in the exercise of those duties or in fulfilling the activities that you undertake as a member of Parliament with respect to your constituents, that's quite different from what you do as a minister of the crown in respect to the portfolio for which you're responsible.

Hon Ms Gigantes: Exactly.

Ms Cronk: And that's to be borne in mind?

Hon Ms Gigantes: It is.

Ms Cronk: Okay. With respect to paragraphs 21 and

22, without reading them, would I be correct in assuming that you endorse the principles contained in those sections as well?

Hon Ms Gigantes: I certainly do.

Ms Cronk: With respect generally to the issue of conflict of interest and the approach reflected by these guidelines, Ms Gigantes, I'm going to ask if you would look with me at a portion of a copy of the annual report of the Commission on Conflict of Interest from 1993-94. I think we have copies of that.

Mr Chair, this is an extract from the annual report for this year, 1993-94, from the Commission on Conflict of Interest. May we mark that as the next exhibit?

The Chair: Number 18.

Ms Cronk: Thank you. Ms Gigantes, could I ask you to look with me first, if you would, please, at the second-to-last page of this extract, which is in a section entitled by the commissioner "Take Time to Reflect." Have you got that?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. I'm going to direct your attention to the comments contained in the column on the right-hand side, which appear to concern the Premier's guidelines that we just spoke about. Do you see that?

Hon Ms Gigantes: Yes.

Ms Cronk: Specifically, in that column of this part of the report reference is made to sections 21 to 24 of the guidelines.

Hon Ms Gigantes: Yes.

Ms Cronk: We just looked at those.

Hon Ms Gigantes: Yes.

Ms Cronk: Then in the concluding paragraph to the report and to this column of discussion about the guidelines it's suggested as follows: "Ministers always wear the cloak of ministerial responsibility. There is no way that their actions, whether verbal or written, and whether in the member's position as an elected member of the Legislature or as a minister, can be considered by the recipient as other than actions by a minister, and thus could reasonably be considered as attempting to influence a decision contrary to s.4 of the act."

Stopping there for a moment, that's clearly a reference to section 4 of the conflict-of-interest legislation, which we're not concerned with here today.

Hon Ms Gigantes: Yes.

Ms Cronk: But do you agree with the principle that "Ministers always wear the cloak of ministerial responsibility"?

Hon Ms Gigantes: I do.

1540

Ms Cronk: When I suggested to you a few moments ago with respect to section 24 of the guidelines that there's this distinction between what a minister does qua ministerial duties and what a minister does qua his or her duties as a member of Parliament with respect to constituents, I wouldn't want to leave the impression that there isn't an interplay, because this clearly suggests there is.

Hon Ms Gigantes: There can be an interplay.

Ms Cronk: In respect of both, if one is a minister of the crown, one's always coloured with that position.

Hon Ms Gigantes: That is correct.

Ms Cronk: It is also suggested by the commissioner in this portion of his report that there is no way that actions by a minister of the crown, whether in writing or oral—he uses the phrase "whether verbal or written, and whether in the member's position as an elected member of the Legislature"—that is, as an MPP—"or as a minister, can be considered by" those who come into contact with them, by "the recipient as other than actions by a minister." Do you agree with that?

Hon Ms Gigantes: I don't know if I would agree with that. I would have to sit and think about what the commissioner means by that, because I find it a somewhat unclear statement, frankly. But that's personal.

Ms Cronk: Well, I'm asking for your views on it. Can we go this far together, and please tell me if we can't, that in whatever appearance or attendance you are involved—by that, I mean, Ms Gigantes, when you hold the position of Minister of Housing and also your status as a member of Parliament—that those that you deal with, when you're there in an official capacity, whether as a member of Parliament or as a minister, that those with whom you deal know that, and in the minds of the public with whom you deal, you are a minister as well as a member of Parliament, and that's sort of hard to forget.

Hon Ms Gigantes: Without seeming to be facetious or light about this, I often go to meetings where people don't know who I am. I often talk to people at meetings who are unaware of the responsibility that I carry as minister. So that's not always true. I think that different people certainly look upon my activities—and I would suspect that this would be true of all ministers—in aspects of work that I carry out which I would be calling constituency work, which have nothing to do with the ministerial responsibilities which I have in a much less formal sense as a minister.

Ms Cronk: I fully accept that. Are there, however, situations where, if your attendance is brought about by virtue of the fact that you are a minister, that we could agree that the people with whom you deal in those kinds of situations may be taken to be conscious of the fact that you are there in your position as a minister and a member of Parliament?

Hon Ms Gigantes: Oh, yes, absolutely.

Ms Cronk: And in that context would you agree with me that the actions of a minister in those kinds of situations—that in those situations the people who deal with ministers will see the minister as acting as a minister as well as a member of Parliament; in other words, the roles become somewhat merged?

Hon Ms Gigantes: Yes, that's correct.

Ms Cronk: Is that fair?

Hon Ms Gigantes: Yes, it certainly is.

Ms Cronk: So I take your point that if you're there unannounced or unIntroduced in a formal way and not in an official position as a minister, then the situation may be different.

Hon Ms Gigantes: I have been at meetings where I've been introduced in a formal way and then had discussions with people who asked what I do.

Ms Cronk: I see. All right. Well, where they know who you are and you're introduced as such, the situation, you'd agree, is different.

Hon Ms Gigantes: Yes, and there are situations—and I think this may be the point that you're trying to clarify with me—where in fact the role of being a minister is such that one has to be extremely careful about how that role affects people.

Ms Cronk: In short, Ms Gigantes, when you are a minister of the crown, it's not something that you can forget when you're dealing with people. That's the reality.

Hon Ms Gigantes: You can forget it. There are lots of times in lots of situations in both my ministerial job and in my job as an elected member where people treat me just as if I were a normal person. There are many occasions like that, and they're very heartwarming and they're great.

There are other occasions, which I think is the point you're trying to make, where the role of minister is one which requires enormous care and enormous—well, I would say care about what you write and what you say and how you behave.

Ms Cronk: And would you agree with me—because I thank you for that and it is in part what I am getting at—would you agree with me that as a minister of the crown, you must ever be alert to that reality?

Hon Ms Gigantes: Yes—

Ms Cronk: And whether people make you feel—

Hon Ms Gigantes: —I agree most definitively.

Ms Cronk: All right. And whether people make you feel at ease—and I can understand why that would be both refreshing and welcome on a personal level—notwithstanding that, when you're there as a minister of the crown and it's known that you are, it is not something that can ever really be forgotten.

Hon Ms Gigantes: That is correct. And in fact we are verbally reminded of that.

Ms Cronk: Could I ask you perhaps while we're in the same volume to look at tab 3, which is—

Hon Ms Gigantes: Is this exhibit 1, volume 1?

Ms Cronk: Sorry, you're out of the volume. It's exhibit 1, volume 1, tab 3.

Hon Ms Gigantes: Tab 3.

Ms Cronk: Which is an extract from Hansard from the proceedings of the standing committee on administration of justice from the 18th of February, 1991, when, as I understand it, the—

Hon Ms Gigantes: I'm sorry. I've got December 12th, 1990.

Ms Cronk: That's fine. We'll deal with that page and then, following that, I think you'll find it from the 18th of February, 1991.

Hon Ms Gigantes: No, I don't believe so. Yes, that's correct.

Ms Cronk: And as I understand it, on both of those days, Ms Gigantes, both the 12th of December, 1990, and February 18th, 1991, the topic of discussion before the standing committee was the Premier's conflict-of-interest guidelines.

Hon Ms Gigantes: It would appear so. I wouldn't remember that personally.

Ms Cronk: Okay, but just taking a look at the title of discussion on the top of the page, both pages, would you agree that appears to be the case?

Hon Ms Gigantes: Exactly.

Ms Cronk: And on both occasions, looking at these extracts from Hansard, it appears that the Premier, Bob Rae, appeared before the committee and made—in the February extract appeared before the committee and made a statement, and in the December 12th extract is also making a statement on conflict of interest generally.

Hon Ms Gigantes: In the House.

Ms Cronk: In the House.

Hon Ms Gigantes: Yes.

Ms Cronk: All right. Then dealing with the December 12th entry, if we could, and dealing first with the first full paragraph of the statement by the Premier, the following is attributed to him:

"Hon Mr Rae: I am pleased to announce that today I will be tabling a new set of guidelines with respect to conflict of interest. The 31 articles of these guidelines will impose upon cabinet ministers and parliamentary assistants clearer standards of conduct than those imposed by existing conflict-of-interest legislation and policies."

Stopping there for a moment, that's much of what is embodied in the "Purpose" section of the guidelines that we looked at.

Hon Ms Gigantes: Correct.

Ms Cronk: Then he goes on to say:

"These guidelines do not replace the existing standards or the law that was passed in the previous Parliament, but rather they extend and strengthen them."

Hon Ms Gigantes: Yes.

Ms Cronk: Do you agree with that, given your knowledge of the guidelines—

Hon Ms Gigantes: Yes, I do.

Ms Cronk: —that that's their import?

Hon Ms Gigantes: Yes.

Ms Cronk: And then he goes on to say:

"First, I consider it essential to establish certain fundamental principles. It is to be our governing principle that we must at all times act in a manner that will not only bear the closest public scrutiny but will go further and ensure public confidence and trust in the integrity of government."

Hon Ms Gigantes: Yes.

Ms Cronk: And do you endorse that principle as well?

Hon Ms Gigantes: Well, I endorse the principle. I don't know if we ever ensure public confidence and trust in the integrity of government, but I certainly believe that

it is our responsibility to promote it, and to promote it by our actions.

Ms Cronk: And that implies proactive actions?

Hon Ms Gigantes: Yes.

Ms Cronk: So are you saying that the obligation is both to maintain it and do what you can to promote it and enhance it?

Hon Ms Gigantes: Yes.

Ms Cronk: And then looking to the second column, that is, the column on the right, if I could ask you to look at the first full paragraph in English after the paragraph in French.

Hon Ms Gigantes: Yes.

Ms Cronk: The Premier went on to say—and I take these statements to have been made at the time of introduction of the guidelines.

Hon Ms Gigantes: Yes.

Ms Cronk: In that paragraph he says:

"Few principles are more fundamental to our democratic system than the independence of our justice system. Accordingly, we set out in some detail guidelines regarding communication with judges, tribunals, prosecutors and the police, mindful that these guidelines are part of and subject to the fundamental duty to maintain public confidence and trust."

Stopping there, do you agree with those principles?

Hon Ms Gigantes: Absolutely.

Ms Cronk: And moving down to the second-next paragraph, he continues:

"In my view these guidelines are only part of a process we must continue. The guidelines are limited to those matters which do not require legislative implementation."

And then his concluding comment, immediately above something about the moose tag lottery, which you'll be relieved to know I am not going to ask you anything about, the last paragraph immediately—

Hon Ms Gigantes: I actually know something about that.

Ms Cronk: I don't. That's why I'm not going to ask you about it. The paragraph immediately before it reads:

"As committed as I am to the establishment of guidelines and codes in legislation on ethics in government, I realize all too well that nothing we commit to writing can substitute for common sense and a well-developed sense of public duty."

Do you endorse those principles?

Hon Ms Gigantes: I certainly do.

Ms Cronk: All right. Now, as I understand it, in your particular case, Ms Gigantes, you actually served on the standing committee on administration of justice that considered these guidelines following their introduction. Am I right in that?

Hon Ms Gigantes: I served extremely briefly, unfortunately—well, unfortunately and fortunately. The situation was that I had resigned my responsibilities as the Minister of Health. I assumed some committee—as an

ordinary member of the government, I assumed committee responsibilities, and then, before I could carry out many committee responsibilities, I was appointed to responsibilities as the Minister of Housing.

Ms Cronk: Did you then, for the portion of time that you participated in the work of the committee, actively engage yourself, together with your colleagues, in consideration of the guidelines and in considering their content and the wisdom of any amendments or expansion of them?

Hon Ms Gigantes: I believe I participated briefly, and I couldn't tell you for how long. I will also note that my best memory of discussion of the guidelines would come from the period of discussion that we had in cabinet.

Ms Cronk: All right. Well, perhaps we could come to that.

Hon Ms Gigantes: Mm-hmm.

Ms Cronk: Could I just understand more clearly then the role that you had on the subcommittee? You did participate in some of its discussions?

Hon Ms Gigantes: I'm afraid—had I known, I would've looked up to assure myself of the length of my participation or the fact of my participation, and I'm afraid I cannot recollect. Again, I would say that I might confuse discussions that we had in cabinet from discussions in committee, though it does seem to me that I can recall some discussion in committee.

Ms Cronk: Right, thank you. That's helpful. Can you confirm for me that in addition to your own involvement, and you've clarified what that was, the other members of the committee included, as it happens, Mr Harnick, Mr Chiarelli and Mr Winninger?

Hon Ms Gigantes: No, I'm sorry, I can't confirm that.

Ms Cronk: All right. I'm going to show you the report and perhaps you could just look at the membership section—

Hon Ms Gigantes: Yes.

Ms Cronk: —and indicate whether I've put that to you accurately.

Hon Ms Gigantes: Thank you.

Ms Cronk: Does that suggest that Mr Chiarelli, Mr Harnick and Mr Winninger—I just thought that was sort of interesting—were also members of that committee?

Hon Ms Gigantes: Yes.

Ms Cronk: And then, in fairness to you, if I could take the report back—

The Chair: Ms Cronk, you have to talk into the mike. It might not pick up when you're walking and talking.

Ms Cronk: Thank you. I was saying I need to borrow it back. I don't have another copy here.

Hon Ms Gigantes: That's fine.

Ms Cronk: I'd like to put one or two propositions to you that are reflected in the majority report of the committee and then ask you if you agree or disagree. All right?

Hon Ms Gigantes: Yes.

Ms Cronk: At page 1 of the report there's an intro-

duction to the work of the committee and to the fact that the committee was struck to consider the guidelines and to report back on any amendments or changes proposed to be made to them; and again dealing with the purpose of the guidelines and what's described as the debate of whether the guidelines are necessary, it says the following, and the quote's not very long. If you'd like to look at it after I've read it, I'll show it to you.

In much the same language as used by the Premier on his introduction of the guidelines in the Legislature, it says the following:

"Public confidence in the integrity of the political process and in those elected to govern is an essential element in maintaining the vitality of our democratic institutions."

Do you agree with that?

Hon Ms Gigantes: I believe that very firmly.

Ms Cronk: Right, and it continues at page 2. There's a brief summary of the evidence of certain witnesses in very much of an overview way, and it says:

"According to one witness, the guidelines appropriately address public perception and the appearance of conflict because in politics perception is often just as important as reality."

I'm not a politician, but do you agree with that?

Hon Ms Gigantes: I agree that perception is a very important element. I don't know that I would say that I think perception is as important as reality, but I agree that the public's confidence is very much dependent on perception.

Ms Cronk: And the public's confidence both in the integrity of government and in the independence and impartiality of the justice system are underpinnings of our system of government.

Hon Ms Gigantes: They are.

Ms Cronk: And by virtue of serving on the subcommittee—and I recognize that you've clarified that it was a more limited involvement than I had understood—but by virtue of the involvement that you did have would it be fair of me to assume for the purposes of the balance of our discussion today that you had a high degree of awareness, not only as a member of Parliament with knowledge of your government's introduction of the guidelines but also by virtue of your status as a committee member and a member of cabinet that dealt with it, that you had a very high level of awareness of the purpose of the guidelines, the perceived need for them and the importance of adhering to them?

Hon Ms Gigantes: I can recollect further that before the 1984 by-election, in which I ran, I had a private discussion with Bob Rae on this subject and encouraged him to think in the future about what we could do to improve public confidence in government.

Ms Cronk: Was it then your personal view that that should be—and I'm not attaching any priority to it in asking you this question, but that that should be on the action list, as it were, of your government as matters to be looked at?

Hon Ms Gigantes: Yes. Yes, indeed.

Ms Cronk: And am I correct in my understanding as well, Ms Gigantes, that consistent with that discussion that you've relayed, on a personal level you have been a proponent in the past of stronger conflict-of-interest legislation?

Hon Ms Gigantes: Yes, I have.

Ms Cronk: And then dealing just with two or three other general principles as really the basis of our discussion of some items this afternoon, I'd like to talk for a moment about principles of governmental accountability and ministerial responsibility so that I understand your perspective on some of these issues as well as your experience.

Hon Ms Gigantes: Please.

Ms Cronk: Would you agree that government must be accountable for its actions in a public and transparently open way if the confidence of the public in government is to be maintained?

Hon Ms Gigantes: Yes.

Ms Cronk: And would you agree that that is, by extension, true of the agents of government, if I can put it that way, that is, both members of Parliament and more particularly ministers of the crown?

Hon Ms Gigantes: Yes, indeed.

Ms Cronk: All right. Again, do you still have a copy there, Ms Gigantes, of the commissioner's annual report on conflict of interest that we looked at a moment ago?

Hon Ms Gigantes: Yes, I do.

Ms Cronk: The same section we were looking at before under part C, the second-to-last page of the document, and the commissioner is saying in the first paragraph the following: "From the"—sorry, under part C, "Take Time to Reflect."

"From the anonymized inquiries included in this report and from others referred to the commission, it would appear that considerable misunderstandings still remain with respect to activities which may be carried on by ministers, parliamentary assistants and their staff with regard to courts, quasi-judicial bodies, agencies, boards and commissions."

And he continues:

"The Ontario political system is based on the Westminster model of parliament—a cabinet government with its accompanying constitutional conventions of,

"(1) ministerial responsibility;

"(2) political neutrality; and

"(3) public service anonymity."

Do you agree with that characterization of the Ontario political system and its underlying conventions?

Hon Ms Gigantes: Well, I don't think that's how I'd define it, because I'd like to understand how he would link political neutrality to the Westminster model, because that's not the first description I'd give of the Westminster model. But I think that the idea he is trying to convey is one in which there is a public service which provides service to members of the public in a way which is accountable and which is not dependent on anybody's favours.

Ms Cronk: And with respect to the concept of ministerial responsibility as opposed to the obligations of the public service, do you agree that this basic concept is, as he suggests, fundamental to our model of parliament?

Hon Ms Gigantes: Oh, yes.

1600

Ms Cronk: In that connection, that is, concerning ministerial responsibility, would you agree or disagree, Ms Gigantes, that ministers of the crown—perhaps I should put it to you a different way. If a member of your staff, be it your political staff or your policy advisers or your constituency staff, are aware of circumstances which could give rise to a potential conflict for you—

Hon Ms Gigantes: Yes.

Ms Cronk: —and the facts giving rise to those circumstances, are you as a minister concerned both to be informed of those circumstances and, as well, do you regard yourself as fixed with the knowledge of your staff in that kind of a situation?

Hon Ms Gigantes: Fixed with the knowledge of my staff?

Ms Cronk: That's perhaps awkwardly put, in a lawyer's way of putting it, perhaps badly. What I'm saying to you is, and I don't know your views on this, if your staff, be it at the constituency level or in your offices in Toronto, out of the minister's offices, know, have actual knowledge or have facts available to them that could give rise to a potential conflict for you—

Hon Ms Gigantes: Yes.

Ms Cronk: —do you regard yourself as a minister seized of their knowledge? What I'm asking you is, what is the connection—

Hon Ms Gigantes: Do I expect them to tell me?

Ms Cronk: That was part of my question. Let's deal with that first. I assume that you would wish to be informed of those circumstances as soon as it came to the attention of your staff.

Hon Ms Gigantes: Yes, indeed.

Ms Cronk: Right. And that would be so, both to be consistent with the need to be responsible as a minister and also because there's a political import to that: You need to know if there's a potential for a conflict.

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. Apart from the need and your expectation that you would be informed—

Hon Ms Gigantes: Yes.

Ms Cronk: —of those circumstances, if they know and you do not, is it your view as a minister that you are responsible or should be taken as having their knowledge in those circumstances? Do you understand what I'm getting at?

Hon Ms Gigantes: Ah, so you're saying, if a staff person has information which might suggest that there was a conflict, a potential conflict in matters that I was concerned with, would I be held responsible if they did not tell me?

Ms Cronk: I don't mean in the legal sense. I'm not asking you for that, but is their knowledge in so far as

you're concerned—

Hon Ms Gigantes: Yes.

Ms Cronk: —when you're dealing with the members of the public involved in that situation, to be taken as your knowledge?

Hon Ms Gigantes: Is their knowledge to be taken as my knowledge?

Ms Cronk: You still don't—all right.

Hon Ms Gigantes: No, sorry.

Ms Cronk: I'm putting it to you badly. Let me give you an example. Tell me if you think it's an inappropriate one.

Hon Ms Gigantes: Yes.

Ms Cronk: As a lawyer, if you are a partner in a law firm, for example, and you have less experienced lawyers assisting you—

Hon Ms Gigantes: Yes.

Ms Cronk: —in dealing with a client or a member of the public, what they learn about that client's business colours your knowledge, whether they actually tell you or not, so that if there's information that comes to their attention—

Hon Ms Gigantes: Yes.

Ms Cronk: —that affects the client's interests—

Hon Ms Gigantes: Right.

Ms Cronk: —and if you are the senior individual responsible for the interests of that client—

Hon Ms Gigantes: Yes.

Ms Cronk: —then you're responsible for events as they unfold, whether you actually knew the details or not—or could be; I'm not suggesting a legal conclusion. In other words, as the senior person responsible in that context for dealing with a member of the public—

Hon Ms Gigantes: Yes.

Ms Cronk: —or a client, you are responsible for all aspects of the client's interests. By analogy, what I'm saying to you is, if your staff have information available to them on a matter in which you are involved or concerned that suggests the potential for a conflict, in so far as the member of the public is concerned who is affected by the situation in their dealings with you, is it fair or unfair in your view, appropriate or inappropriate, for the member of the public to assume that what your staff knows you know?

Hon Ms Gigantes: Well, I think that members of the public would make that assumption and it might in some cases be an assumption that should be made. In other cases I can think that there might be circumstances in which that might not be such a cut-and-dried matter. It would depend, it seems to me, on the circumstances. You don't want me to invent scenarios—

Ms Cronk: No.

Hon Ms Gigantes: —but that would be my answer.

Ms Cronk: All right. Should I take from that, then, that in so far as members of the public are concerned, there may be circumstances where your actual knowledge is important but there may also be circumstances where

what they, the public, have told your staff or persons connected with you can be taken and expected by them to be known to you, to be communicated to you, it varies?

Hon Ms Gigantes: I think that there might be situations in which staff might have some knowledge and, for some reason or other which was an acceptable reason which the public would accept if that reason were known, staff would not or could not convey it in a timely manner. I guess here I'm thinking about circumstances related to time or events.

Ms Cronk: So there might be situations where you don't actually have the information that's available to staff, for whatever reason.

Hon Ms Gigantes: Well, not just that, but where the lack of that information might be caused by circumstances which are entirely reasonable.

Ms Cronk: All right, where they're prevented for some reasonable reason and not communicating the information to you.

Hon Ms Gigantes: Yes.

Ms Cronk: All right, but as a minister of the crown, in your own ministry do you have and do you expect that members of your staff, be it the political staff or the policy side or the constituency arm, will bring to your attention information of which they are aware that could give rise to a potential conflict?

Hon Ms Gigantes: Yes, that's the operating principle.

Ms Cronk: And that's the expectation you have of the people who work for and with you?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. Could I ask you then, generally, how some of these concepts might apply? I'm going to, again, put some general propositions to you and I invite you to make whatever comment you wish about your own views on them.

I'm going to suggest to you that there are different kinds of situations of potential difficulty where conflicts might arise in circumstances where legal proceedings have been commenced and are pending. I want to make clear the context in which I'm going to put the question.

Hon Ms Gigantes: Very good.

Ms Cronk: There's a legal action that's been initiated and pending before the courts. In a situation of that kind, is it important to know, first, the type of legal action and whether it's a civil suit or involves criminal proceedings or those that might be regarded as quasi-criminal? That's an important factor?

Hon Ms Gigantes: In my view, yes.

Ms Cronk: Yes. Would you agree that there are situations where, if legal proceedings have been commenced, a minister of the crown might be precluded from meeting with persons involved in that lawsuit? For example, one of the witnesses before the committee this week suggested that where a minister of the crown was actually named in a lawsuit, the minister would be completely precluded from meeting with, qua their ministerial position, individuals involved in the lawsuit. That was an example that was provided.

What I'm suggesting to you is that there are situations where a minister would be precluded from meeting, for conflict or appearance of conflict reasons, from persons who are involved in pending legal proceedings. Would you agree with that?

Hon Ms Gigantes: I think there are situations. However, I think there are—I do agree there are situations in which a minister is precluded, absolutely. I do think that there are situations, even when a minister is named in a lawsuit, where in the course of normal duties you end up meeting with people who are associated with an organization, for example, which is suing the ministry and the minister.

I wouldn't doubt that—in fact I have been in a meeting with landlords, for example, who have had actions against the ministry over rent control matters. We just don't have any discussion about that. The meeting is a large group meeting and the subject never comes up. So there aren't, I think, rules that you can nail down terribly easily. I don't check, before I go to a meeting with an organization, whether a member of the organization I'm going to meet with might, in private business, have a suit or a claim or an action against the Ministry of Housing.

Ms Cronk: I understand. Given the realities of the duties that you have, undertaking those kinds of inquiries every time you wanted to accomplish anything in the course of a day or a week would be humanly impossible. But what I'm suggesting to you is that there are circumstances where, by virtue of the relations between you as minister of the crown or your staff or your ministry and the people involved in the pending lawsuit, you would be precluded from meeting with them.

Hon Ms Gigantes: Oh, yes. Absolutely. Not only that, when I get some kinds of correspondence, as a minister I frequently have to write back and say: "I can't comment. I can't assist until this matter is resolved."

Ms Cronk: Indeed, just on that note, would I be correct in suggesting to you that, once a minister of the crown is aware that legal proceedings are pending and before the courts, the standard reply, when people solicit comments or seek to engage a minister in discussion about it, is usually that you can't comment, that the matter's before the courts? That's often the response?

Hon Ms Gigantes: Yes, and it's a good starting point, in my view and in my experience.

1610

Ms Cronk: It's also a cautious one and appropriate for that reason?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. Would you also agree with me that in addition to situations where, by virtue of the relations of the people involved, the status of the people involved, leading to preclusion of a minister from meeting, that there are situations in which, although it might not be precluded, it would be inappropriate or unwise for a minister to meet with the individuals involved in a pending lawsuit?

Hon Ms Gigantes: I'm sure there are such circumstances.

Ms Cronk: What I'm getting at there is that there are

circumstances where perception alone may dictate that a meeting of that kind would be inappropriate, as distinct from any legal requirement. Again I'm not asking you for legal conclusions that you couldn't make.

Hon Ms Gigantes: I agree completely.

Ms Cronk: You explained to me your views on perception as reality a few moments ago. Would you agree with me that perception goes directly to the issue of the confidence of the public in the integrity of government and in the objectivity and fairness of the administration of justice?

Hon Ms Gigantes: It does.

Ms Cronk: As a minister of the crown, you've acknowledged that it is your duty both to maintain and indeed, you suggest, proactively enhance that form of public confidence.

Hon Ms Gigantes: Whenever there is an opportunity.

Ms Cronk: Should I take from that that you'd agree it would equally be your obligation to avoid doing anything which would undermine public confidence, either in the integrity of government or in the independence of the administration of justice?

Hon Ms Gigantes: I believe that very firmly.

Ms Cronk: Would you also agree with me that that's an obligation of every member of Parliament, let alone a cabinet minister?

Hon Ms Gigantes: Yes, but especially ministers of government.

Ms Cronk: Thank you. You told me a few moments ago—and although it may have seemed that I did, I didn't forget that you said you had some involvement at the cabinet level in consideration of the Premier's guidelines.

Hon Ms Gigantes: Yes.

Ms Cronk: I'm not going to ask you and I'm not interested in actual discussions that occurred in cabinet about it, but were you an active participant in consideration of the policy reasoning behind the guidelines?

Hon Ms Gigantes: Yes, indeed.

Ms Cronk: And were you a proponent of them?

Hon Ms Gigantes: Yes. It was of special interest to me because of my interest in these matters, how difficult it is to frame words that suit all cases.

Ms Cronk: Following their introduction, did members of Parliament and cabinet ministers receive a general orientation to them in addition to the remarks made in the Legislature about them?

Hon Ms Gigantes: I can't give you a detailed description of what would have happened with members of Parliament.

Ms Cronk: What about ministers of the crown?

Hon Ms Gigantes: Ministers of the crown certainly went through a great deal of discussion. We didn't go to a study session or a briefing session, because we had participated in the cabinet discussion.

Ms Cronk: Do you on an ongoing, annual basis as a minister of the crown have a requirement to meet and discuss, with representatives of the Commission on Conflict of Interest, the guidelines? Do you have any

annual requirement to ensure that you are complying with conflict-of-interest legislation?

Hon Ms Gigantes: We have to make reports annually, and during discussion with the commissioner around those reports we raise questions and get advice. It's not as if we have a presentation concerning the subject, but I believe it would probably be the case—it certainly has been in our government—that there are frequent discussions among members and among cabinet members on issues that are involved with conflict of interest.

Ms Cronk: In terms of your own staff, do you require or do you provide them upon commencement of their working with you with materials relating to the guidelines to ensure that they're aware of the contents of the guidelines and the obligations that are imposed on you?

Hon Ms Gigantes: Our caucus services, as I understand it, has provided training sessions for constituency assistants, and I believe the same kind of training exists for staff at Queen's Park. I personally have never sat down with the conflict-of-interest guidelines and gone through them item by item with the people I work with, but I have felt confident that they understand what is expected of them and I have felt very pleased with what I have seen in their work that reflects that consciousness.

Ms Cronk: In so far as you are aware, did you either require or request that when you became, for example, Minister of Housing, your staff be aware of the contents of the guidelines?

Hon Ms Gigantes: I personally did not make that request, but I do know that there have been sessions in our office and I believe provided through caucus services, though I'm not certain of that; it may in fact be through—I'm not quite sure how to identify the source of the training sessions that have occurred. But I do know that staff in my Queen's Park office have also been through training sessions.

Ms Cronk: What about your constituency office?

Hon Ms Gigantes: Yes, I believe they have, and I certainly have had evidence in my work with them that they are very conscious of the principles involved.

Ms Cronk: All right. May I ask you just a few questions about the reporting arrangements between members of your constituency staff and yourself and your political staff so I understand a little bit more clearly, on a day-to-day basis, how all of that works?

Hon Ms Gigantes: Yes.

Ms Cronk: With respect to scheduling—let's deal with that first—if a member of your constituency requests a meeting with you in Ottawa, is it the responsibility of your constituency people to line that meeting up or your Toronto people out of your office here?

Hon Ms Gigantes: That would be done in Ottawa at the constituency office.

Ms Cronk: Do you require or expect that requests of that kind be brought to your attention when made by constituents?

Hon Ms Gigantes: No. They exercise a fair amount of judgement. These staff are experienced. They have a good understanding of which issues and which kinds of

problems that constituents bring forward are going to be usefully addressed by meeting with me. They will frequently handle constituents' requests for assistance on issues and problems by working on those issues and problems themselves. I very infrequently have had anybody say to me that that's insufficient. Where they make a judgement that it will be useful, from the constituent's point of view, for me to meet because of the nature of the problem or because they have come to the end of their resources working on a problem, then they will make a judgement about who to meet. I get a preview weekly of the proposed schedule. I make very few changes to it, because their judgement has been very, very good.

Ms Cronk: All right. As I understand it then, both in Toronto and in your constituency offices in Ottawa, the first assessment of persons with whom you should meet is made by your staff and you have come to rely on their judgement.

Hon Ms Gigantes: I do. As I say, I get a preview of the proposed schedule for meetings in the constituency office, but it's rare that I change the proposed schedule.

Ms Cronk: Would I be correct in assuming that the final decision in any particular case is always yours?

Hon Ms Gigantes: Yes, if I get enough time to take a look at that proposed schedule, but again, there have been very few instances when I've had reason to make changes.

Ms Cronk: All right. Could I ask you to direct your attention and your mind back to events particularly related to the Van Lang Centre. In particular, the time frame I'm going to ask you some questions about begins in the spring of 1993, leading up to June of this year. First, when do you recall first meeting a woman by the name of Trinh Luu?

Hon Ms Gigantes: Trinh Luu I met before 1993. Trinh Luu I met at the opening of the Van Lang non-profit. It was late summer or early fall of 1992.

1620

Ms Cronk: And the committee has actually heard in evidence that there was a point when Ms Luu was offered a position with your offices here in Toronto, initially accepted it and then subsequently declined for reasons personal to herself. Is that correct?

Hon Ms Gigantes: That's correct, yes. She had been interviewed by my staff as a potential employee in the Ottawa Centre constituency office before I met with her, so she was already known to members of my staff when I met her.

Ms Cronk: Did you interview her then in respect of the potential position in your constituency office?

Hon Ms Gigantes: I didn't interview her.

Ms Cronk: So I misunderstood what you said. Did you subsequently interview her with respect to the prospective position in your Toronto office?

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. And the decision that came out of that was to offer her the job?

Hon Ms Gigantes: That's correct, yes.

Ms Cronk: That didn't come about, but she was offered the job.

Hon Ms Gigantes: That's correct. In fact, she indicated initially that she was interested and then because of personal reasons decided against taking it.

Ms Cronk: It's been suggested to the committee that that was some time in late 1992. Does that sound about right to you?

Hon Ms Gigantes: Yes, that sounds about right to me. I think that at the turn of the year we found out from her that she had changed her mind and that she would not take the position.

Ms Cronk: And following that, as one moves into the spring of 1993 and then the summer of 1993 and in the following months, is it fair and can you confirm that Ms Luu had rather frequent contact with your constituency office about matters related to the Van Lang Centre?

Hon Ms Gigantes: I don't think I'd call them initially "frequent," but she certainly did have contact, and to my recollection it would have begun not too long after—am I getting my years right here now? I met her in 1992. It would have begun in the spring of 1993.

Ms Cronk: My question was, from that point forward in the following months—let's take it from the spring through to the end of December 1993—she had more than casual contact with your constituency office. She became a figure known to them in the sense that she contacted them from time to time. Is that a fair general description?

Hon Ms Gigantes: Yes, and she also, I think, had a more personal contact in the sense that a couple of staff in my constituency office, Sue Lott and Audrey Moey, struck up a fairly friendly acquaintance with her.

Ms Cronk: And were you aware of that at the time? And by that I mean in 1993.

Hon Ms Gigantes: Yes, I was.

Ms Cronk: And when did you first meet Ms Sharron Pretty?

Hon Ms Gigantes: To my knowledge, I'd never seen Sharron Pretty until June 17, 1994.

Ms Cronk: The committee has heard that she also began to communicate with your constituency office staff in the fall of 1993. Were you aware of that at the time?

Hon Ms Gigantes: There was a communication from her in the fall of 1993, shortly after, as I understood it, she had become a member of the Van Lang Centre board of directors. It was a lengthy communication, and I certainly recollect it.

Ms Cronk: All right. What I'd like to do is ask you a number of questions about events in the fall of 1993 and the winter of 1994. As I indicated earlier, there is a large number of documents before the committee, and if you feel you would like to have reference to any one or more of them, please just indicate that to me. There are few that I wish to actually show to you, but if you feel you wish to look at them, please let me know that.

Hon Ms Gigantes: I may do that from time to time.

Ms Cronk: That would be fine. The committee has heard that in the spring of 1993, Ms Luu was then

employed as a property manager at the Van Lang Centre. You've indicated that you attended the opening of that centre the preceding fall. Is the centre actually in your riding?

Hon Ms Gigantes: No. It's in the riding of Ottawa West.

Ms Cronk: Why then would you have attended at the Van Lang Centre opening?

Hon Ms Gigantes: I, as Minister of Housing, attend as many non-profit and co-op development openings as I can. I do that throughout Ontario, and I take advantage of being based in Ottawa to go to as many as I can in that area.

Ms Cronk: "In that area" meaning the Ottawa area?

Hon Ms Gigantes: Yes.

Ms Cronk: While you were at the opening, did you meet a number of the directors of the Van Lang Centre?

Hon Ms Gigantes: I had previously met the only member of the board of directors whom I was then familiar with, to my recollection, and that was Dr Can Le.

Ms Cronk: And you recall meeting him in the fall of 1992?

Hon Ms Gigantes: I knew him before then.

Ms Cronk: I see. And how was that?

Hon Ms Gigantes: I had known him over many years as a person who was very active in the Vietnamese community in Ottawa-Carleton and who was very active politically.

Ms Cronk: And did you know Trinh Luu in that connection, or was she simply a woman you met at the opening in November 1992?

Hon Ms Gigantes: I'd heard about Trinh Luu from my staff and she acted as the master of ceremonies at the opening, and I was very taken by her.

Ms Cronk: The committee has heard that in the spring of 1993 difficulties arose in Ms Luu's employment with the Van Lang Centre in the sense that she developed concerns regarding the Van Lang Centre and certain of what I've termed its management practices, issues related, for example, to its superintendent at the time, and that that led to correspondence by Ms Luu with representatives of the Ministry of Housing in Ottawa in June 1993. Looking back on it now, do you know whether as early as June 1993 you were made aware of concerns being expressed by Ms Luu regarding the Van Lang Centre?

Hon Ms Gigantes: Yes.

Ms Cronk: You've said, "Yes, I do remember," and were you—

Hon Ms Gigantes: Yes, I do remember.

Ms Cronk: Were you so informed?

Hon Ms Gigantes: Yes, I was.

Ms Cronk: And did you know at that time that she had provided quite a lengthy report in mid-June of 1993 to Mr Brian Sutherland, of the eastern regional offices of the Ministry of Housing, setting out her concerns, and that she had as well met towards the end of that month with members of your constituency office staff to discuss

some of her concerns?

Hon Ms Gigantes: I knew she had met with the staff. I cannot now say whether I knew at the time that she had done a lengthy report to Brian Sutherland.

Ms Cronk: Did you subsequently, over the course of the summer, learn that she'd been in touch with Ministry of Housing representatives in Ottawa?

Hon Ms Gigantes: Again, it's very difficult for me to recollect exactly what it was that I knew during that period about her relationship with the Ministry of Housing. I can say this to you: that I would expect that if she had not already initiated contact with Ministry of Housing officials, both I and the constituency staff would have directed her to do that, so that's what I would expect would have happened.

Ms Cronk: So you think it likely that that occurred—

Hon Ms Gigantes: Yes, I do.

Ms Cronk: —but there's an element of reconstruction in there for you.

Hon Ms Gigantes: Yes, in terms of my recollection. I understand that there are documents before this committee that indicate that that's the case. But in terms of my personal recollection, that's all I can tell you.

Ms Cronk: In fairness to you, I assume that you have, to refresh your memory about a number of matters related to this in preparation for these hearings, looked at a number of documents.

Hon Ms Gigantes: Yes.

Ms Cronk: And it becomes difficult to determine what one knows now cumulatively as opposed to what one knew at a particular point in the past.

Hon Ms Gigantes: I can tell you what I know now because there is paper about it, but to tell you what I remember from that period is quite another thing.

Ms Cronk: Where you are uncertain and I ask you that as we move through this chronology, it would be important from my perspective that you tell me that.

Hon Ms Gigantes: Yes.

Ms Cronk: Do I take from what you've said that your constituency office staff, at some point towards the end of June or thereafter, told you that Ms Luu had been in touch with them, at least, about her concerns?

Hon Ms Gigantes: Yes indeed.

Ms Cronk: Did you have occasion personally to go to the Van Lang Centre, to physically be at the Van Lang Centre, at any point in 1993?

Hon Ms Gigantes: No, I did not.

Ms Cronk: Have you been there in fact since the date of its official opening?

Hon Ms Gigantes: No, I have not.

Ms Cronk: The committee has also heard that in August 1993 the board of directors of the Van Lang Centre underwent certain changes to its composition and that that resulted in the assumption of the presidency of the Van Lang corporation by a Dr Hieu Truong and the introduction to the board at the same time of Ms Sharron Pretty as a tenant representative on the board. Did you have any knowledge in the summer or early fall of 1993

of those events, or did you learn that much later?

Hon Ms Gigantes: I can't tell you when I learned that. I certainly became aware some time in the fall of 1993 that Sharron Pretty, who was a resident at the Van Lang development, had become a member of the board. The way I learned that was to learn of her dissatisfactions, which were very much along the lines that had been raised previously by Trinh Luu.

1630

Ms Cronk: Just to make sure I understand that, when you came to know of Sharron Pretty's concerns, it's in that context that you learned of her status as a tenant-director?

Hon Ms Gigantes: That's it.

Ms Cronk: Is that it? And at some point during the early fall of 1993, did you learn that Trinh Luu had been in touch with Ministry of Housing officials in Ottawa about Van Lang Centre issues? Can you pinpoint for me when you first became aware of that?

Hon Ms Gigantes: No, I'm afraid I can't, not by personal recollection. I know there is paper that indicates what happened, and I was probably made aware by paper.

Ms Cronk: We'll come to some of that in the fall, then.

Did you at some point become aware of the fact that Trinh Luu had left the employ of the centre and actually had embarked on legal studies?

Hon Ms Gigantes: Oh, yes. In fact, this helps me remember, and I'm glad you've raised that. By the time I went to the shower for Audrey Moey, who was about to have a baby, and Trinh Luu was there, I certainly was aware that she had been in touch with the constituency office about her continuing dissatisfactions and that she had continued to be in touch with the constituency office from June, and that she was planning to leave her work at the Van Lang Centre and go to the University of Ottawa to study law. When I encountered her at the shower, which was a delightful event, she spoke to me about her continuing concerns. She took advantage of the situation to elaborate her concerns.

Ms Cronk: Was that the second time you recall meeting Ms Luu personally?

Hon Ms Gigantes: I don't think I had met her—I can't say. It may have been the third. I may have met her some time between June 1992—oh, of course, because I had been involved in the interview, finally, about the Queen's Park job. So I would have met her again then, and certainly I met her at the shower, and I think there was another occasion. I don't recall what it was.

Ms Cronk: Do you recall when that shower was held?

Hon Ms Gigantes: Yes, it was in August.

Ms Cronk: August 1993?

Hon Ms Gigantes: Because Audrey was leaving. We just got the shower in in time.

Ms Cronk: Was it your understanding, then, that Trinh Luu had not yet left the employ of the Van Lang Centre but was about to?

Hon Ms Gigantes: Yes. She was just about to leave

and she was going to start her studies.

Ms Cronk: Did she outline to you in the course of that social event some of the concerns she had about the Van Lang Centre?

Hon Ms Gigantes: Oh, yes, and she made it clear that she had been talking to the staff at the constituency office in full, and she reminded me of that.

Ms Cronk: The committee has heard that in early November of 1993, Ms Luu actually wrote to you directly and outlined some of her concerns and requested a meeting with you. When do you remember becoming aware of that request and that letter from her?

Hon Ms Gigantes: I can't tell you exactly the date when I became aware of the letter, but I do recall very clearly trying to make sure that it was responded to before Christmas. I was going to take some time off at Christmas and I wanted to have a response to Trinh before Christmas so it wasn't hanging around over the break.

Ms Cronk: Could I ask you to look, if you would, please, at exhibit 1, volume 2, at tab 12, Ms Gigantes. The document at that tab is a letter dated November 8, 1993, and it's addressed to you at a Queen Street address in Ottawa. Do I understand that correctly to be your constituency office?

Hon Ms Gigantes: That's right.

Ms Cronk: There is no date stamp on it, but I can direct your attention to tab 14, and you will see there a letter dated December 6, 1993. Is this December 6 letter a reply by you to Ms Trinh Luu's letter of November 8?

Hon Ms Gigantes: That's correct.

Ms Cronk: In her letter of November 8, Ms Luu specifically requested a meeting with you on matters related to the Van Lang Centre, and in your letter of December 6, as I read it, and please tell me if I'm misinterpreting this, what you were basically saying was that you had not yet received a copy of the compliance report relating to the Van Lang Centre but that once you had the report you would be in contact with her, first, and that you would let her know if other actions appeared to be necessary. Is that correct?

Hon Ms Gigantes: Yes.

Ms Cronk: I note in the case of this particular letter that it's—first of all, it was the Christmas season, the beginning of December, but it seems to be a more personalized letter than many that ministers, including yourself in the documents we've seen here, sign after preparation by their staff. Did you personally prepare this letter, or do you recall that? Its tone, I'm suggesting, is less formal than many would write.

Hon Ms Gigantes: I know I had a hand in it. That's not actually that unusual for me.

Ms Cronk: You think, then, that you either prepared this or had a hand in its preparation, that it wasn't staff originating for you. Would that be fair?

Hon Ms Gigantes: Staff may have originated it, but I do recall having a hand in it.

Ms Cronk: By the time that letter came in from Trinh Luu, the committee has received evidence that there had

been an earlier letter, a letter dated October 29th, from Sharron Pretty. The state of the evidence before the committee at this point is that there were at least three versions of that letter; the main substance of the letter is unchanged as among the versions. But it is the evidence of Ms Pretty and Ms Luu that a copy of Ms Pretty's October 29th letter was delivered directly to your constituency office shortly after its date of authorship on October 28th or 29th and indeed that they had met together with members of your staff on either the 28th of October or the 29th to request a meeting with you.

First, did your staff tell you in the fall of 1993 that Trinh Luu and Sharron Pretty were asking or that Trinh Luu and someone else from the Van Lang Centre were asking for a meeting with you?

Hon Ms Gigantes: Yes, they did.

Ms Cronk: Do you recall when they conveyed that information to you?

Hon Ms Gigantes: No.

Ms Cronk: Do you recall seeing the letter from Sharron Pretty? Would it help you to take a look at it?

Hon Ms Gigantes: I've taken a look at it, and indeed I do recall seeing the letter from Sharron Pretty. It was a very substantial letter, and it was very consistent with the kinds of concerns that had been raised in the past by Trinh Luu, and it contained new items of concern.

Ms Cronk: One of the exhibits before the committee is exhibit 17. This is a copy of one of the versions of the October 29th letter. This one bears a date stamp on the back of "November 5, 1993, at the minister's office, Ministry of Housing." I'm just going to hand it to you and ask if that's the letter that you remember seeing from Ms Pretty, and if so, whether the date stamp assists you in indicating to the committee when you personally saw that letter for the first time.

Mr Sutherland: Did you say tab 17?

Ms Cronk: No, I said exhibit 17 is a copy of the October 29th letter with a receipt stamp.

Hon Ms Gigantes: I certainly am familiar with this letter. When I actually saw it, I cannot tell you.

Ms Cronk: The receipt stamp on that particular copy of the document is from your office in Toronto, I take it, "the minister's office." Is that a correct interpretation of the stamp?

Hon Ms Gigantes: That's correct.

1640

Ms Cronk: When letters are received at your Toronto office, what is your expectation as to the reasonable time frame within which their arrival is to be brought to your attention? How long after it comes in at your office in Toronto do you want to know about it?

Hon Ms Gigantes: I want to know about it immediately.

Ms Cronk: How often, as a normal practice, does it take for correspondence that is unexpected to be brought to your attention?

Hon Ms Gigantes: I guess the best I can do is say to you that the ministry has worked out an average length of time for a response to a letter—

Ms Cronk: I'm sorry, "has" or "has not?"

Hon Ms Gigantes: Has.

Ms Cronk: And what is that average length of time for a response?

Hon Ms Gigantes: As I recollect, it was 33 days. But there is much correspondence that takes a lot longer than that before I see it, and I usually don't get to see it unless one of my staff has reason to feel I should see it before it goes to the correspondence section, where there is a draft response prepared.

Ms Cronk: In this case, Ms Gigantes, the facts before the committee thus far are as follows. A copy of that letter, as you've just seen from exhibit 17, arrives in your Toronto office on November 5. I don't mean by that that it arrives on your desk, but it arrives in your office in Toronto on November 5. Your constituency office receives a copy of the letter, and there is a version of the letter—with at least one version, there's a November 2 receipt date on it at your constituency office level. Then, in the latter part of December, on December 21st, a copy of the letter is sent to Marc Collins of your staff in Toronto and he in turn transmits a copy to the deputy minister's office, who records receiving it on December 22nd.

What I'm saying to you by all of that is that at various points in the months of November and December we know that there is at least one copy of the letter coming from your constituency office in the latter part of December to Marc Collins, a member of , I take it, your political staff in Toronto—can you confirm that?

Hon Ms Gigantes: Correct.

Ms Cronk: —and going to the deputy minister's office, but there's also a copy coming in to your office directly, much earlier, around November 5. Does that assist you at all in when this letter came to your attention?

Hon Ms Gigantes: I wish it did.

Ms Cronk: When you became aware of Trinh Luu's request for a meeting, by virtue of her letter of November 8, did you know then that you'd also heard from one of the tenant-directors of the Van Lang Centre with a detailed description of her concerns?

Hon Ms Gigantes: I wish I could answer that. I don't know.

Ms Cronk: You don't know one way or the other?

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. Looking at the date of your response, December 6, to Trinh Luu, does that assist you in recalling whether you knew then of the concerns being expressed by Sharron Pretty?

Hon Ms Gigantes: I wish I could answer you. I don't know.

Ms Cronk: Do you have any recollection of a draft response letter to Sharron Pretty, to the letter of October 29th, being shown to you in January or early February 1994 and, for whatever reason, the response not being sent? Do you remember ever looking at a draft reply?

Hon Ms Gigantes: In preparation for this hearing, I asked myself the question, looking back over the corre-

spondence that existed, why did it take so long? I had checked what had happened with the response, and I believe it was the case that it went through more than one draft.

Ms Cronk: Do you remember being shown a draft and it not going out, for whatever reason?

Hon Ms Gigantes: Once I had been given the information that it went through more than one draft, it seemed to me I recollected that, but raw.

Ms Cronk: I'm sorry. I missed the last part.

Hon Ms Gigantes: "Raw." That's very difficult to recollect.

Ms Cronk: The only information the committee has in that regard is that there is a draft reply letter dating from about January 11, 1994. The committee has heard that the actual reply to Sharron Pretty was not sent until a letter dated April 25, 1994. Do you remember seeing a draft on or about the month of January or February?

Hon Ms Gigantes: It seemed to me, once I had asked why it was that it took so long to answer this letter, that I could recollect having seen a draft, but that's a pretty backwards way of getting at memory.

Ms Cronk: That's a reconstruction.

Hon Ms Gigantes: It is a reconstruction.

Ms Cronk: And given that you've told me that the average response time is 33 days—

Hon Ms Gigantes: Please don't take that as the gospel, because that's my recollection. We were actually responding to a tabled question on the order paper in the Legislature not too long ago, and that's my recollection.

Ms Cronk: Even doubling it or tripling it, Ms Gigantes, would it be fair of me to suggest that the time that elapsed between either November 5, when we know a copy of this letter arrived in your office from Ms Pretty—not in your personal office but in the minister's office—until April 25th, or even working from the December 22nd receipt time frame in the deputy minister's offices through to a reply of April 25th, is a very long time.

Hon Ms Gigantes: It was a very long time.

Ms Cronk: And, I suggest to you, an inordinately long time for a reply to be forthcoming to a letter of that kind.

Hon Ms Gigantes: There are letters of that kind which take an inordinately long time to answer. It is not without precedent.

Ms Cronk: I don't want to attach too much significance to the question, but I am suggesting to you, and I'd simply like your view, wasn't that too long a time frame, looking at it now, for a reply to Ms Pretty?

Hon Ms Gigantes: I thought so at the time.

Ms Cronk: You thought so at the time?

Hon Ms Gigantes: Yes.

Ms Cronk: Are you saying to me that when you found out about the letter and realized a reply hadn't gone, that that's when you made your inquiries? You weren't happy then and you're not now. Is that fair?

Hon Ms Gigantes: No. I made my inquiries in

preparation for this committee hearing, but I would have made inquiries in any case, because the inquiries to my constituency office during that period continued.

Ms Cronk: Let me understand that. We have a situation where you've received a letter from Sharron Pretty expressing concerns about the Van Lang Centre, at least your offices have, right? You're not certain when it actually came to your attention, but you certainly saw and responded yourself to Trinh Luu's letter of November 8, and we've looked at your response letter of December 6. You've indicated, I think now two or three times, that many of the concerns being expressed by Sharron Pretty, as you understood them, were similar to those being expressed by Trinh Luu.

The difference in that, if I can put it that way, is that Trinh Luu actually, in her written letter to you, requested a meeting, and you've replied by saying, "I'll be in contact with you once I've seen the compliance review." Let's talk about that for a moment. Should we take from that that you were aware at the time that the Ministry of Housing had undertaken a compliance review with respect to the Van Lang Centre and that, as at December 6, when you wrote to Trinh Luu, that report was still in progress, or at least that you didn't have it yet?

Hon Ms Gigantes: In fact, I knew that the ministry had undertaken a compliance review in the early fall.

Ms Cronk: And how was that brought to your attention?

Hon Ms Gigantes: It was brought to my attention because I asked what steps the eastern regional offices of the ministry were taking to respond to Trinh Luu's communications.

Ms Cronk: Were you aware of more than one communication from Trinh Luu about these matters in the fall of 1993?

Hon Ms Gigantes: Certainly with my office.

Ms Cronk: Your office being the constituency office?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. The only documentation before the committee in that regard, just to help you with the time frame, in what material we have is that there's the letter to you from Ms Luu from the beginning of November. There's earlier correspondence from her to Brian Sutherland, but that dates from the end of June.

Hon Ms Gigantes: That's correct. But she had been in contact with the staff in my office.

Ms Cronk: Are you saying that you spoke to your staff to see how they were responding to that contact?

Hon Ms Gigantes: My staff?

Ms Cronk: Yes.

Hon Ms Gigantes: No. My staff told me about these contacts.

Ms Cronk: I see. And in that context, you learned that a compliance review was being undertaken and—

Hon Ms Gigantes: No. I learned in the context of asking at my Queen's Park office, was the ministry in the eastern region responding to the issues that had been raised?

Ms Cronk: I see. I'm sorry. I misunderstood.

Hon Ms Gigantes: And in that context, I learned about their decision to undertake a compliance review, which was going on in the fall of 1993.

Ms Cronk: From time to time, did you see briefing notes that were prepared concerning the Van Lang Centre, some of which date from the fall of 1993?

Hon Ms Gigantes: I can't now recollect that off the top of my head. There certainly are briefing notes and they would range from mid-1993 through to, well, right up until the end of June of this year.

1650

Ms Cronk: When is the first time, Ms Gigantes, that you have a clear recollection in your own mind of being aware that Sharron Pretty was involved in this, in the sense of concerns being expressed by her as distinct from Trinh Luu?

Hon Ms Gigantes: I can't tell you that. I can't tell you whether it was through her correspondence or through my knowledge about her involvement from my constituency staff.

Ms Cronk: Regardless of the source, whether it was through her correspondence or information from your constituency staff—

Hon Ms Gigantes: Definitely by the fall of 1993.

Ms Cronk: So you did know by the fall of 1993 that Sharron Pretty was expressing concerns as well, that there was someone called Sharron Pretty and she was expressing concerns.

Hon Ms Gigantes: Yes indeed.

Ms Cronk: Did you know around that time of the fact that she was both a tenant at the Van Lang Centre—which of course was not case with Trinh Luu; she'd been an employee—and that this was a director who was expressing concerns?

Hon Ms Gigantes: Yes, I knew that. In fact I recall, when I talked to Trinh Luu at Audrey's shower in August, learning about Sharron Pretty. I believe I heard that from Trinh then.

Ms Cronk: Did you learn as well, during the fall of 1993—and please tell me if you did not—of an effort or an issue associated with the potential removal of Sharron Pretty as a director of this corporation?

Hon Ms Gigantes: Late in the year, and I'm not sure how I learned that.

Ms Cronk: But you think it was before the end of 1993.

Hon Ms Gigantes: Yes, I believe so.

Ms Cronk: The committee has received evidence that by the end of December 1993, the situation on the board of directors of the Van Lang corporation was such that—and this is my language—one might almost interpret it as dysfunctional in some respects. The language used by Ministry of Housing staff was that acrimony and antagonism had developed to the point that relationships between the various directors were interfering with and bogging down the business of the board. Were you made aware in the fall of 1993, up until the end of December or beginning of January, that there was that type of problem at

that facility?

Hon Ms Gigantes: I don't know that I was aware during the fall of the difficulties at board meetings and the fact that board meetings were becoming more and more a problem. But I certainly was made aware of a very long and troubling list of issues brought to the attention of my constituency staff and to me through communications. I probably became aware also that there were communications with the ministry in Ottawa in terms of written communications. So I was aware of all that.

I don't know that I was aware of the strenuous difficulties in holding meetings of the board until early 1994, when I received a briefing note—I can't tell you the date, but I'm sure you will be familiar with it—which indicated that Brian Sutherland had attended the December 30th meeting of the board and that he had witnessed a board in great distress. We—

Ms Cronk: To help—I'm sorry. I didn't mean to cut you off.

Hon Ms Gigantes: That's fine.

Ms Cronk: There is a briefing note before the committee dated February 14, 1994. I mean, there are several, but in particular there is one dated February 14, if I can just find that for you. If you look at volume 2 of exhibit 1, at tab 23, you'll see there a covering memorandum from Lisa Heaton to Patti Redmond dealing with the Van Lang Corp and indicating that a briefing note updating the status of the compliance review was being attached. Do you have that at tab 23?

Hon Ms Gigantes: Yes.

Ms Cronk: From the cover memorandum it appears that Marc Collins received a copy of it—do you have that?—from the cc's.

Hon Ms Gigantes: Yes.

Ms Cronk: And if you look at the background note dated February 14, can you tell me, did you receive or see in the normal course this background note?

Hon Ms Gigantes: I certainly did see it. Whether this was the first background note I saw which would have—I'm trying to follow the thread of your earlier question—indicated to me that the board itself was getting bogged down, as you were describing—

Ms Cronk: If you look at page 2 of the briefing note, there's a topic, "Board Antagonism," and three bullet points appear dealing specifically with this issue.

Hon Ms Gigantes: Yes, but it does seem to me that I had an earlier briefing note which indicated that Brian Sutherland had appeared at a board meeting.

Ms Cronk: There's one at tab 1. This is a draft background note dated January 21, 1994—it appears to be a draft—and that does indicate that Mr Sutherland attended the December 30th board meeting.

Hon Ms Gigantes: And he noted then there were—

Ms Cronk: My difficulty with that and the reason I took you to the February 14th one—I'm not sure that much turns on whether you knew in January or mid-February.

Hon Ms Gigantes: No, but that's the first time I

remember hearing directly about the board and the struggles at the board meetings. He noted that—

Ms Cronk: Did he speak to you about it?

Hon Ms Gigantes: No. I don't recollect speaking to Brian about that, but I do recollect reading information about his attendance at that meeting.

Ms Cronk: Could I ask you to look at tab 21, then. This is a draft January 21st briefing note. I'll direct your attention to the middle bulleted paragraph. It confirms that Mr Sutherland attended the December 30th meeting at the Van Lang Centre, but it does not address the topic of acrimony or antagonism at the board level.

Hon Ms Gigantes: That's correct.

Ms Cronk: Just to assist you with this, I can tell you that the only other briefing note with which I have been provided, and through me to the committee, on this issue is one dating from July 1993, in which there is no mention of this issue. In that context, unless you spoke with Brian Sutherland—

Hon Ms Gigantes: No.

Ms Cronk: No, you did not?

Hon Ms Gigantes: No, I did not. The other possibility is that I heard verbally a report of his attendance at the meeting.

Ms Cronk: Do you now recall receiving an oral report in that regard?

Hon Ms Gigantes: No, I don't recall that, but it might well have happened. I'm trying to answer your original question, which was, "When did you first find out about the antagonism and difficulties at the board meetings per se?" We knew there were lots of problems in terms of the views of the member of the board of directors and disagreements among people on the board of directors, but about the board meetings I can't remember anything until Brian Sutherland's appearance at that meeting.

Ms Cronk: Do I have it, then, that your best memory of that is that it was some time early in 1994?

Hon Ms Gigantes: Yes.

Ms Cronk: And it may well have been earlier than the date of this February 14 briefing note?

Hon Ms Gigantes: That may be, yes.

Ms Cronk: Certainly by the time of the briefing note you would have been aware of it, because it's quite clearly stated in the note itself.

Hon Ms Gigantes: Yes, that's correct.

Ms Cronk: Indeed the note, I suggest, and would you agree, indicates that it was really a matter of concern because there was "considerable antagonism at the board level"?

Hon Ms Gigantes: It says, "Considerable antagonism."

Ms Cronk: And what I'm suggesting to you is that that would have been a matter of concern at the time, because you now had received and were aware of expressed concerns from Trinh Luu and Sharron Pretty, you knew that a senior representative of your Ministry of Housing offices in Ottawa had attended the December

30th board meeting, and now you're getting a report back, if you didn't know earlier some of this, that there was a real problem at the board level. Is that a fair characterization of events at this point?

Hon Ms Gigantes: It is indeed.

1700

Ms Cronk: The background note indicates, under "Action Required," that the ministry had determined to send a representative to the next several board meetings?

Hon Ms Gigantes: Yes.

Ms Cronk: In early January 1994, a letter from the board of directors of the Van Lang Centre is sent to you, it's addressed to you, and in it the board as well is requesting—"as well" meaning there'd been a request from Trinh Luu earlier. The board, this time, is requesting a meeting with you to discuss matters related to the Van Lang Centre. Do you recall when the request from the board, as distinct from others, was first brought to your attention?

She probably saw that, but you have to say no.

Hon Ms Gigantes: I'm sorry. No.

Ms Cronk: The committee has seen a response letter and had confirmed through evidence of directors that towards the end of March 1994, March 25th, the letter goes to the board essentially declining a meeting. It's graciously done, but in the letter it says—

Hon Ms Gigantes: I think what it says is, "Not right now," more or less.

Ms Cronk: Yes, I was going to suggest to you that what the language of it says is that you weren't in a position to commit at that time to a meeting.

Hon Ms Gigantes: Right.

Ms Cronk: My point being that it was March 25th.

Hon Ms Gigantes: Yes.

Ms Cronk: Does that assist you at all in recalling, first, when you had a conscious personal awareness of difficulty at the board level and, secondly, that there was an increased level of Ministry of Housing involvement by virtue of the intention to attend board meetings? Does that assist you?

Hon Ms Gigantes: I would have to look at the correspondence, but I would expect that I would find in the early communications from Sharron Pretty during the late fall and early new year indications that would lead me to suspect that board meetings weren't working well. But certainly it was clear following the reports to me of Brian Sutherland's meeting with the board on December 30th, and it became even clearer as time went by in the spring.

Ms Cronk: At the beginning of March 1994, Sharron Pretty writes to Brian Sutherland again in a very detailed letter, some 20 pages in length, recounting the concerns and identifying the concerns she has with respect to the Van Lang Centre. She does so again on the 20th of March. Both of those letters are, on their face, copied to you.

Hon Ms Gigantes: Yes.

Ms Cronk: Do you recall knowing by March of 1994

of that level of concern from Sharron Pretty with respect to the Van Lang Centre?

Hon Ms Gigantes: Yes, I do. I recall in this way: I had hoped, and indeed I'm sure the ministry staff had hoped, that the compliance review and the work around the recommendations of the compliance review which the ministry staff in eastern Ontario took with the board of directors would have helped ease the level of concerns of Sharron Pretty as a board member, but in March both the communications Sharron Pretty had with Brian Sutherland which I was copied on, and also a direct letter to me from Trinh Luu and Sharron Pretty, indicated that now there were new problems, and the new problems focused on the adequacy of the compliance report.

Ms Cronk: That leads to a number of questions. First, when do you remember yourself first seeing a copy of the compliance report?

Hon Ms Gigantes: I can't pin it down, but it would have been, I think, early May.

Ms Cronk: The committee has seen, through the documentation filed with it, that throughout the fall of 1993 and the early months of 1994 Marc Collins of your political staff in Toronto is being copied on or is receiving from your constituency office or others correspondence relating to the Van Lang Centre. Did Mr Collins from time to time speak with you and brief you about what was going on at the Van Lang Centre, as he understood it, up until the period March 1994?

Hon Ms Gigantes: Yes. Further, when he was sent materials from my constituency office, I would be told that, not only by him but by my constituency office, because there were not only written communications but there were also telephone conversations, I think with both Trinh Luu and Sharron Pretty, during that period.

Ms Cronk: Involving Mr Collins?

Hon Ms Gigantes: No, involving my constituency staff. In other words, there would be correspondence either addressed to Brian Sutherland primarily and I would be copied on it and so would a whole lot of other people, or to me, and in addition there would be follow-up by telephone with the constituency staff.

Ms Cronk: Perhaps I could come back to that and ask you some specific questions about it, but for the moment could you look at exhibit 2 as distinct from volume 2?

Hon Ms Gigantes: Yes. Exhibit 2, volume 1?

Ms Cronk: Exhibit 2 only has one volume, so you've got the right book. That's exhibit 2, and it should be at tab 33. Do you have that?

Hon Ms Gigantes: Yes, I do.

Ms Cronk: At this tab is a copy of the March 1, 1994, letter from Sharron Pretty to Brian Sutherland, and I suggested that it had been copied to you because at page 20, which is the signature page that Sharron Pretty has signed, it shows that a copy went to you together with a copy to Marc Collins and Mr Newton Vanriel. As I understand it, Mr Newton Vanriel at the time was also a member of your staff in Toronto.

Hon Ms Gigantes: Yes, he worked at the Queen's Park office.

Ms Cronk: Did you receive a copy of this letter?

Hon Ms Gigantes: Yes, I believe I did.

Ms Cronk: In that letter, on page 1, you'll see that Ms Pretty was asking—well, first, that she was asserting that Mr Sutherland at a meeting held with her in November 1993 had promised to undertake an official investigation with respect to the Van Lang Centre matters on three fronts, which she described as board organization, board's management of funds and staff hiring practice. Mr Sutherland has given evidence about that and he did not describe it as a commit to undertake an official investigation, but that's the way this letter begins.

Hon Ms Gigantes: In point 2.

Ms Cronk: Yes. Could I ask you to look at page 19 as well. I'm doing this only to show you where in the document you can find this, but I'm not suggesting that you'd be aware at this stage of particular paragraphs and particular letters. The second-last paragraph at page 19 makes it clear, I suggest, that Ms Pretty was saying in writing, with some emphasis, that this was her last attempt to request the ministry's response to her concerns. Do you see that?

Hon Ms Gigantes: Yes, I do.

Ms Cronk: It contains quite specifically an indication that if she did not receive a response satisfactory to her, then the public would learn about what she felt had happened at the centre, and she has confirmed in her evidence that that was an indication that she would go to the media. Do you recall in March 1994 being aware of, either through this letter or reports to you from Marc Collins or other members of your staff, the possibility that Sharron Pretty was preparing to go public with this matter if an adequate response, adequate in her view, had not been received?

Hon Ms Gigantes: I believe that by March, some time in March, I was aware of that offer by her.

Ms Cronk: That—

Hon Ms Gigantes: Offer.

Ms Cronk: Is that what you thought it was, an offer?

Hon Ms Gigantes: Yeah, that's what I'd call it.

Ms Cronk: You didn't take her up on it, I take it.

Hon Ms Gigantes: No, it was up to her whether she was going to take it up.

Ms Cronk: My point to you being, did that signify to you when you learned of that that this situation was becoming increasingly grave?

Hon Ms Gigantes: Of course it would, but also there was the response that existed to the compliance report, and I'm going to underline that to you because in a sense that was the mechanism that we hoped—I hoped and I'm sure the ministry staff hoped—was going to provide a way out of some of the difficulties which had grown up at the centre. So there was a lot of hope put in the compliance report and work around that as a tool to help straighten things out there.

Ms Cronk: And in fairness to you, Ms Gigantes, there are documents from the Ministry of Housing in the form of background notes and the like before the committee in which emphasis is—"emphasis" is the wrong

word—in which mention is made that the compliance report is outstanding or not yet received or about to be completed. And it's clear that it was considered to be a response measure and was—

Hon Ms Gigantes: Yes.

Ms Cronk: —it was hoped that it would achieve some solution. But I'm going to suggest to you that by March the 20th at the very latest, and indeed even in the March first letter to Brian Sutherland, because, of course, by then the compliance report had been discussed with the Van Lang board of directors—

Hon Ms Gigantes: Correct.

Ms Cronk: —that it was quite clear that that report was not, in the view of Sharron Pretty at least, a satisfactory response to her concerns. Is that a fair suggestion?

Hon Ms Gigantes: Sharron Pretty and Trinh Luu.

Ms Cronk: Mm-hmm. So what I'm saying to you is that by the end of March, and indeed perhaps even by the beginning of March, it was clear that to neither—you're saying Trinh Luu is included; I'm saying to you certainly by those letters from Sharron Pretty, she didn't regard that report as a satisfactory response at all.

Hon Ms Gigantes: Yes. So when you asked me the question about whether the offer to go to the media or go public, as Sharron put it in her letter, indicated problems, the response by Sharron Pretty and Trinh Luu to the compliance report was a very clear indication.

Ms Cronk: And very worrisome in that sense.

Hon Ms Gigantes: Very worrisome.

Ms Cronk: All right. And is it not also the case that—indeed I think you mentioned it a few moments ago, that on or about March the fourth, Trinh Luu and Sharron Pretty sent a joint letter, again to your attention, asking for what they described as “a special and urgent meeting”?

Hon Ms Gigantes: Special and urgent, yeah.

Ms Cronk: All right. And do you recall that letter being brought to your attention?

Hon Ms Gigantes: Yes, indeed.

Ms Cronk: All right. Would it be accurate or inaccurate, Ms Gigantes, for me to suggest then that by March of 1994 you had a situation on your hands of which you were aware, in light of what you said, with respect to the Van Lang Centre where you had a tenant director in the person of Sharron Pretty, a former project manager in the person of Trinh Luu, requesting on an urgent basis a meeting with you at a time when it was known to you by at least Sharron Pretty's correspondence, or known to your staff, that the compliance report that the ministry had undertaken rightly or wrongly had not resolved their concerns?

Hon Ms Gigantes: That's right.

Ms Cronk: Is that where we are in March?

Hon Ms Gigantes: That's where we were.

Ms Cronk: All right. And affecting that as well was the factor, of whatever significance or insignificance, that Ms Pretty at least is raising threats of going to the media. Is that fair?

Hon Ms Gigantes: That's correct.

Ms Cronk: Well, as at the end of March 1994—Mr Chair, may we take a very brief break?

The Chair: Okay. We'll take a 10-minute recess.

Ms Cronk: Thank you.

The committee recessed from 1713 to 1729.

The Chair: There's just one request that counsel's asked for, that the photographers not come up behind the Chair and counsel here and the witness; if they could stay back a little bit. It's throwing counsel off when asking questions, and the witness, maybe, possibly.

Ms Cronk: Thank you.

The Chair: Okay? And a chair is there, Ms Cronk.

Ms Cronk: Thank you, Mr Chair. I'm grateful for that.

Ms Gigantes, I'd been asking you, before the break, a series of questions about what was occurring in March of 1994. Did you also become aware during that month, if not earlier, that concerns were being expressed by another tenant of the Van Lang Centre?

Hon Ms Gigantes: Yes, indeed.

Ms Cronk: A Mr Michael Séguin?

Hon Ms Gigantes: That's correct, and in fact I heard of Mr Séguin surrounding the issue of Sharron Pretty's status on the board of directors. And I don't know at what point—I can't tell you by recollection—but I know I received material that he had written that expressed his concerns about what was happening with her status near the end of 1993. I don't know that I received it then, but I certainly received it and it related to the period at the end of 1993.

Ms Cronk: All right. Well, there is correspondence before the committee dating from mid- to late December 1993 from Mr Séguin on exactly that issue, both to the tenants' association and to the board of directors of the Van Lang Centre, indicating concerns about that.

Hon Ms Gigantes: Yes.

Ms Cronk: Could I ask you, though, in the context of March 1994, to look at volume 2 of exhibit 1, and specifically at tab 24. This is a letter addressed to you, Ms Gigantes, from Mr Séguin in which I suggest he sets out a number of concerns with respect to the Van Lang Centre, many of which are similar to those expressed by Sharron Pretty in her March first letter to Brian Sutherland, although they're not set out in as much detail and indeed he does not raise as many issues as does Ms Pretty. Do you recall receiving this letter?

Hon Ms Gigantes: Yes, I do.

Ms Cronk: And being made aware that he too was echoing some of these concerns?

Hon Ms Gigantes: Yes, and there was further correspondence initiated by Mr Séguin, sent to the board of directors of the corporation, which also came to my attention. Again, that related to the period that I spoke of earlier, and I don't know when I would have received that.

Ms Cronk: The earlier correspondence?

Hon Ms Gigantes: That's right. I'm not sure it was

earlier correspondence. Yes, it would have been earlier correspondence; I don't know whether I received it earlier.

Ms Cronk: All right. With respect to the March letter, however, at tab 24, which is dated the second of March, would it be fair or unfair to assume that it would have been brought to your attention, if not by actually seeing it, then by being informed of its contents, some time during the month of March?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: All right. And we saw earlier, we discussed earlier, that in Sharron Pretty's letter of March first to Brian Sutherland, she had raised the issue of taking the matter public if some response satisfactory to her was not soon forthcoming. You remember we looked at that?

Hon Ms Gigantes: Yes, we did.

Ms Cronk: And we have also heard in evidence from a member of your constituency office staff, Ms Audrey Moey, that in the spring, and I suggested to her and I believe she confirmed, that in the month of March 1994—certainly that is Sharron Pretty's evidence—that she spoke with her and Ms Pretty raised at that time with her the possibility of going to the media if she did not receive what she was describing as some action and response from the ministry. Did Ms Moey bring that to your attention?

Hon Ms Gigantes: I can't remember specifically, but certainly by March I feel confident in saying to you that suggestions that the issue would be made public were probably known to me.

Ms Cronk: All right. And that would be either from the letter of March first to Brian Sutherland and/or from communications with your constituency office staff? Would that be fair?

Hon Ms Gigantes: I would believe that.

Ms Cronk: All right. And if you look at the immediately next tab, tab 25, this is a letter dated March 4, 1994, again addressed to you. This time it is a jointly signed letter by Ms Pretty and Ms Luu, and you alluded before the break this afternoon to having been aware of the fact that they had written to you and you acknowledged that you were aware that they had asked for a meeting that they described as being necessary on an urgent basis.

Hon Ms Gigantes: "Special and urgent," I think it was.

Ms Cronk: And do you remember seeing this letter in or about early March 1994?

Hon Ms Gigantes: I can't say that I can remember seeing it, but certainly in March we had all the indications that you are speaking of and that are contained in the written documents before us that indicated that the problems at Van Lang had not been resolved, to put it mildly.

Ms Cronk: They hadn't gone away at all.

Hon Ms Gigantes: Correct.

Ms Cronk: If you would look at page 2 of the March fourth letter, the first paragraph on page 2, Ms Pretty and

Ms Luu indicate, "We also have many important and pressing questions regarding the findings of the compliance review, the ministry's funding of the centre's operations, and the understanding of the access and tenant participation issues among the ministry's staff."

Would you agree with me that that's another indication that the results of the compliance review were satisfactory to neither Ms Pretty or Ms Luu at that point?

Hon Ms Gigantes: I would certainly agree.

Ms Cronk: All right, and if we go over to tab 27, this is a fax dated March 14th, 1994, to the attention of an Ezia Cervoni from Sue Lott of your constituency office. Is that correct?

Hon Ms Gigantes: That's correct.

Ms Cronk: In the fax she indicates first that she was sending a copy of a letter in which a meeting was requested with you. I take that to be the March fourth letter from Ms Luu and Ms Pretty?

Hon Ms Gigantes: It would appear so.

Ms Cronk: She also indicates, that is, Ms Lott is indicating, in her handwritten note that she had sent all their, meaning Ms Luu's and Ms Pretty's, previous correspondence to the attention of Marc Collins. She goes on to say, "...and the woman, Sharron Pretty, is getting so agitated about all of this, that she wants to go to the media." Do you see that?

Hon Ms Gigantes: Yes.

Ms Cronk: Is it then correct that from a variety of sources, either Sue Lott at your constituency office or Audrey Moey at your constituency office, or because of her correspondence with Brian Sutherland, or perhaps some combination of those sources of information, you did, as you've indicated, know in the month of March that this may be mediabound, if I can put it that way?

Hon Ms Gigantes: I can't say to you I knew in March that there were, but I think by March I knew.

Ms Cronk: All right. So it may have predated that, but the documentation would suggest that certainly your staff had that information.

Hon Ms Gigantes: Oh, yes.

Ms Cronk: And you're accepting that you did by March.

Hon Ms Gigantes: Oh, yes.

Ms Cronk: All right. Then the question that I'm obliged to put to you, Ms Gigantes, is, what did you do about it in March when you had all that information in hand?

Hon Ms Gigantes: We certainly had discussions about what to do, and when I say "we" had discussions, I can't describe to you who the "we" was at one point in time and the nature of the discussions at a given point in time, but in March it was clear to my staff, both at Queen's Park and in the constituency office, that there were some decisions to be made about what to do now.

It was clear too to us, to all the people I've just mentioned, that the ministry had paid attention to the indications of problems, had undertaken a compliance report, had taken the compliance report to the board of

directors, had from December 30th and indeed back in the spring met with the—the spring of 1993, I believe—met with the board of directors and had had contact with the board throughout the period of the fall, off and on, conducting the compliance review. The regional manager had been at the December 30th meeting of the board.

Subsequent to that, at meetings of the board, I believe at almost all the meetings of the board, including some special meetings, if my recollection is correct, during the early part of 1994, leading into March, there had been Ministry of Housing staff attending board meetings. The indications of problems continued and in some aspects looked as if they had increased.

So then what? We did have discussions—again, I wish I could tell you what and the exact people involved and when; I can't do that—that led within a matter of weeks to my coming to the position that it might be useful for me to hold a meeting with the various parties involved at Van Lang.

1740

I think that you have and that the committee has before it probably many indications that coming through March and into April, probably up to mid-April, there was discussion about a meeting: whether to do it, how to do it, when to do it. In the meantime, because of the rejection, what I felt to be the rejection, of the compliance report by Sharron Pretty and Trinh Luu, and because the notes that I had received from the ministry did not give me the complete compliance report and left some questions in my mind considering the issues that were being raised by Trinh Luu and Sharron Pretty, I decided I should read the compliance report myself, and I guess I indicated to you earlier I think it was late April or early May before I actually received a copy of the compliance report.

Ms Cronk: When do you remember asking for it?

Hon Ms Gigantes: I think I didn't ask for it early. I think I expected to receive it as a matter of course, and instead what I received as a matter of course—and this was a period in which I did not probably every week check when I was here at my Queen's Park office and see, you know, where has it come; has it come yet? But I remember making an issue of the fact that I wanted to get my hands on the compliance report and read it for myself and try and make an assessment of how this corresponded to the changes that were being noted, and the improvements that were being noted, to be perfectly straightforward about it, by the ministry staff in operations at the Van Lang development, to check how much progress had been made from the compliance report itself and how that corresponded in turn to what was still being raised by Sharron Pretty and Trinh Luu.

So through March into April came the conviction that if the ministry had indeed done all that it was possible for ministry staff to do in this situation, and if both sides in this conflict were requesting that I meet, then there was some obligation on me to meet and see if I could assist.

Ms Cronk: If I could just understand parts of that, in March, you'll recall I suggested to you, and you recalled and agreed, a letter had gone back to the board of

directors of the Van Lang Centre dated March 25th, indicating that you were not then in a position to meet with the board.

Hon Ms Gigantes: Yes.

Ms Cronk: Now, that was actually a reply to a letter from the beginning of January of 1994. May I take from that that as at the date that you signed that letter, March 25th, you had not then concluded that a course of action should be to meet with the board?

Hon Ms Gigantes: Well, I'm not certain of that. What I do know was by then I didn't have the compliance report, and I felt I wasn't really prepared to meet without having read the compliance report and in a sense having done adequate backgrounding myself about where things were at and how much progress had actually been achieved.

Ms Cronk: There is documentation before the committee which suggests, Ms Gigantes, as you suggested a moment ago, that in the month of April there was a determination by you at some point to meet with respect to the Van Lang Centre.

Hon Ms Gigantes: Yes.

Ms Cronk: With whom did you intend to meet?

Hon Ms Gigantes: I can't be certain what format was being discussed then.

Ms Cronk: Well, regardless of what was being discussed, what was your intention?

Hon Ms Gigantes: There were two sides that had asked for a meeting. Again, I can't be certain of my recollection when I try to think back at that stage, but I would guess—and it is a guess—that I had intended to meet the two sides, as it were.

Ms Cronk: Meaning the board on the one hand and Sharron Pretty on the other?

Hon Ms Gigantes: Sharron Pretty and Trinh Luu had requested the meeting.

Ms Cronk: Sorry; so Sharron Pretty and Trinh Luu on the one hand and the board on the other.

Hon Ms Gigantes: I can't tell you that I remember that, but if I were to guess, and it is a guess, that's what I would think.

Ms Cronk: In addition to the letter of March 25th—perhaps in fairness we should do it this way: Could I ask you to look at tab 33 of volume 2? This is a transcription of an e-mail message between members of your staff, Ms Gigantes. It's dated April 14th, 1994, and it indicates that you "would like to meet with Sharron Pretty et al of the Van Lang Centre and include Brian Sutherland in the meeting. The meeting will be in Ottawa Centre, her riding," and then there's an inquiry made about who should initiate arrangements. Now, stopping there for a moment, that suggests to me—and I'm asking whether you're in a position to confirm it or otherwise—that by at least April 14th you had expressed to someone on your staff that you'd decided to meet.

Hon Ms Gigantes: Yes, that's how I would read it.

Ms Cronk: And then, thinking about the time frame, from the middle of March to the middle of April, during that month, on March 25th a letter goes back to the board

indicating that you weren't then in a position to meet, and if you look at tab 29, you'll see the exact language of your letter. It's addressed to Dr Truong, and there's a stamp indicating that the original was signed by you and it indicates that you could not "commit to meeting in the near future"—I'm looking at the second paragraph—and you suggest in it that "...you"—meaning Dr Truong—"and the other directors continue to meet with staff of the regional office for guidance and to keep them apprised on operations." Should we draw from that letter that as at March 25th you were not prepared to commit to a meeting with them, but it may have been in your mind, based on what you're saying?

Hon Ms Gigantes: Oh, yes. I think it was in my mind. What was also in my mind was that there had been a January request for a meeting and there hadn't been a response to it.

Ms Cronk: And then the other fact perhaps relevant to this is that on March 29th, if you look at tab 30, there is what's been described as a standard advice form from Ministry of Housing personnel in Ottawa dated, as I say, March 29th, 1994, advising against the meeting requested by Trinh Luu and Sharron Pretty. Were you made aware, towards the end of March 1994 or the beginning of April, that it was the advice of Ministry of Housing staff in Ottawa that you not meet at that time with Trinh Luu and Sharron Pretty?

Hon Ms Gigantes: I can't say to you that I was made aware. I suspect that I was made aware.

Ms Cronk: In the normal course of events, when a meeting is requested of the type requested by Sharron Pretty and Trinh Luu, involving a particular part of the ministry, would their advice or input be sought by you as a normal protocol as to whether the meeting should take place?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: If I understand what you're saying to me, you have no clear—

Hon Ms Gigantes: Recollection.

Ms Cronk:—direct recollection of knowing this, but you assume that you did.

Hon Ms Gigantes: I do.

Ms Cronk: That being the case, it seems to me that on March 25th—I'm expressing this badly. The request for the board of directors for a meeting had been outstanding for almost three months.

Hon Ms Gigantes: Yes.

1750

Ms Cronk: Having been outstanding that long, I would have thought there was no particular magic to replying at the end of March unless you had a clear indication of the nature of the response that you wanted to make.

Hon Ms Gigantes: That is correct.

Ms Cronk: And that being the case, a letter goes on March 25th indicating that you weren't then prepared to commit to meeting.

Hon Ms Gigantes: Yes, in the near future.

Ms Cronk: In the near future, I'm sorry.

Hon Ms Gigantes: Right.

Ms Cronk: And on the documentation that's available to your ministry and to your staff, you're getting a recommendation from the Ottawa eastern regional offices—

Hon Ms Gigantes: Yes.

Ms Cronk:—against meeting with Trinh Luu and Sharron Pretty at that point in time. That's the end of March, and presumably when it came to your attention it would be some time thereafter, towards the beginning of April, if not later in the month.

Hon Ms Gigantes: Well, perhaps not. The time frame is—once my staff had received this, they have, I think you've heard testimony, a weekly meeting with people concerned with meetings. I call it where the body gets put. So it might have come to my attention very quickly.

Ms Cronk: And if you take a look at tab 32, this is an expurgated form of Invitations and Meeting Request form—

Hon Ms Gigantes: Yes.

Ms Cronk:—dated April 13, 1994. It's been Mr Collins's evidence that on a weekly basis, as you've just alluded to, there were meetings held on a regular basis by your Toronto staff as to which events you were going to attend—

Hon Ms Gigantes: Yes.

Ms Cronk:—and which commitments you were going to engage in.

Hon Ms Gigantes: And I would get recommendations from them.

Ms Cronk: And on this particular form dated, as I say, April 13th, 1994, item number 6, which relates to the Van Lang Centre tenants—I understand that at this point presumably to be Sharron Pretty and, potentially associated with that, Trinh Luu or Michael Séguin, but it's certainly not in response to the request from the board of directors. Would you agree with me?

Hon Ms Gigantes: Well, I'm not sure about that. I guess that—well, seems reasonable; seems reasonable.

Ms Cronk: A response has already gone to the board at this point, on March 25th.

Hon Ms Gigantes: Yes, that's correct. That's correct.

Ms Cronk: And what I'm suggesting to you is that what's outstanding at this point is the letter from Trinh Luu and Sharron Pretty, so that—

Hon Ms Gigantes: Yes, that's correct.

Ms Cronk: All right. And this form suggests and confirms that the ministry was advising against a meeting because of what's described as ongoing complex problems, and they are suggesting that Brian Sutherland of the Ottawa offices of the ministry attend the meeting instead of yourself.

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. And then what puzzles me, and I invite your comments, is the next thing I see in the chronology is an e-mail among your staff indicating that you would like to meet with Sharron Pretty at Ottawa Van Lang Centre and include Brian Sutherland.

Hon Ms Gigantes: Yes.

Ms Cronk: Should I take from that that whatever the state of thought or assessment of the request by your staff at that point in time, April 14th, you had made the decision that you wished to meet with these people.

Hon Ms Gigantes: Yes.

Ms Cronk: And thereafter—

Hon Ms Gigantes: But again, I don't know how completely we can rely on an interpretation here and now of the April 13th note; in other words, the invitation and meeting request. I'm not sure myself whether to read that as a report that says there is advice against it, which I may have—it may not be—the “ministry advises against.” That doesn't mean that my staff, at that particular point in time, were of the same opinion. This is provided as clear indication that the ministry—

Ms Cronk: I see.

Hon Ms Gigantes: —as opposed to—

Ms Cronk: Your staff in Toronto.

Hon Ms Gigantes: —the minister's staff.

Ms Cronk: I see. All right. So you're distinguishing—

Hon Ms Gigantes: So I don't know. I'm simply saying, I don't know how firmly we can read that.

Ms Cronk: All right. And if I understand what you're saying, at least the ministry—

Hon Ms Gigantes: Oh yes.

Ms Cronk: —through their Ottawa offices were advising against a meeting at this time.

Hon Ms Gigantes: Yes, that's correct.

Ms Cronk: But that's not to say that's what your own staff in Toronto felt at the time.

Hon Ms Gigantes: I don't know.

Ms Cronk: All right. And then, as I understand what occurs, at least in terms of the documentation before the committee, and we can look at this, if you wish—

Hon Ms Gigantes: Yes.

Ms Cronk: But very shortly thereafter, and perhaps, in fairness, we should look at the first subsequent relevant e-mail—that's at tab 35—it appears that the direction goes out, for lack of a better word, that the meeting was not to be arranged until you'd had a chance to look at the compliance review—

Hon Ms Gigantes: Right.

Ms Cronk: —because you had made your intention known that you wished to see it—

Hon Ms Gigantes: Yes.

Ms Cronk: —and look at the background before a meeting was actually scheduled. Is that correct?

Hon Ms Gigantes: Yes, that is correct.

Ms Cronk: And this e-mail at tab 35 in which that's communicated is April 18th, 1994?

Hon Ms Gigantes: That's what it says.

Ms Cronk: And if you look at the handwritten note, it appears that on April 19th, Sue Lott of your constituency office is informed that the meeting was on hold

until you had looked at the background.

Hon Ms Gigantes: Yes.

Ms Cronk: And we also have before the committee, Ms Gigantes, several tabs back, at tab 31, a handwritten note which reads, “Where is the operational review report?”—sorry, tab 31—

Hon Ms Gigantes: Yes.

Ms Cronk: —with a question mark, and then it says, “Please,” and then there's the initial “E.” Is that your note?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: And by that note, were you requesting a copy of the compliance report relating to the Van Lang Centre?

Hon Ms Gigantes: I believe that's what it was about.

Ms Cronk: And do you know the time frame, because this particular note is undated?

Hon Ms Gigantes: The note's undated. I can see there's something else copied at the bottom there that says March 25th, '94. I don't know whether that helps us place it in time or not.

Ms Cronk: All right. Subsequently, during the balance of the month of April and through to the beginning of May, the committee has seen a series of e-mails between various members of your staff either in Ottawa at the constituency office or in the minister's office in Toronto that suggest, as the author of one e-mail perhaps aptly put it, that there was some debate “to meet or not to meet.” Is that fair?

Hon Ms Gigantes: That's Jenny, our poet.

Ms Cronk: Your poet? I see.

Would it be fair of us to conclude then that until you had seen the operational report, which you had requested, the confirmation of a meeting, at least in so far as your staff was concerned, was uncertain?

Hon Ms Gigantes: That's correct.

Ms Cronk: In so far as you were concerned, had you formed a fixed intention at that point to meet with this group, the timing only of it being subject to your review of the compliance report, or were you in fact uncertain and as yet unfixed in your own mind as to whether to meet at all, depending on what was in the compliance report?

Hon Ms Gigantes: Well, I think it was my intention that we have a meeting or two meetings again, and I don't know what my intention was specifically then, and I don't know, I don't recollect any hesitancy based on what I might find in the compliance report, but one can never be sure about these things. I don't know.

Ms Cronk: So looking back on it now, it could have been that you hadn't firmly decided in your own mind to meet, but what is clear is that you wanted to look at that compliance report before doing anything further about the meeting?

Hon Ms Gigantes: I would agree with that.

Ms Cronk: All right. During the month of April, when all of this is happening, is it fair of me to suggest to you—and again, if you wish to see the paper, we can

do that—that as a result of your request for the compliance report, there is then documentation generated on a number of occasions among various of your staff members to get you a copy of the report? What I'm suggesting is, it took you some time to get it, and people at your office in Toronto appear to have been, in the language of one of the authors, "chasing the report for a couple of weeks for you." Is that fair?

Hon Ms Gigantes: When I wrote the note, whenever that was, I had already made it clear verbally, I guess, that I wanted a copy of the compliance report and I wanted an opportunity to read it. But I'm not certain of the date of that note, so I don't know. I do know that in my mind it was taking a long time for me to get the report, but I don't know how clear I had made it to people until I wrote that note, and I don't know for sure the date of the note.

Ms Cronk: All right. When you say "the date of the note," are you saying that you wrote a note in addition to the one that I asked you to look at a moment ago?

Hon Ms Gigantes: I believe not.

Ms Cronk: That is the note that you're speaking of.

Hon Ms Gigantes: That's the note I'm speaking about.

Ms Cronk: You just don't know the date. All right. Was it ever suggested to you by any member of your staff that there was some reason that you shouldn't see that compliance report?

Hon Ms Gigantes: No.

Ms Cronk: Or that it was inappropriate for you as minister to look at it for any reason?

Hon Ms Gigantes: No, certainly not.

Ms Cronk: Do I take from the way you've answered the question that that would not have been an acceptable suggestion to you?

Hon Ms Gigantes: Oh, no.

1800

Ms Cronk: The reason I ask you that is that we have—I was going to ask for exhibit 14. Let me see if I can find you another copy of it.

Interjection: Do you want a copy of it?

Ms Cronk: Yes, I do. Thank you very much. Exhibit 14, Ms Gigantes, is another series of e-mails that were marked as a bundle, together, and I'm looking at one. I don't know if our copies are numbered the same, but do you have one with a 12 in the upper right-hand corner?

Hon Ms Gigantes: Yes, it's just been handed to me. Thank you.

Ms Cronk: Thank you. And is that dated April 13, 1994?

Hon Ms Gigantes: It is.

Ms Cronk: And that's an e-mail between two members of—one member of your staff and a member, as I understand it, of the deputy minister's staff.

Hon Ms Gigantes: No. No.

Ms Cronk: Or two of yours?

Hon Ms Gigantes: Neither of these people are members of my staff. They are ministry employees.

Ms Cronk: I'm sorry. All right. So they're Ministry of Housing people.

Hon Ms Gigantes: Right.

Ms Cronk: All right. And the e-mail indicates, "In signing a letter to this group, the minister"—sorry. The reference, the subject on the e-mail is "Van Lang Centre," and the e-mail indicates:

"In signing a letter to this group, the minister requested a copy of the operational review report.

"Is there any reason I shouldn't give it to her?"

I thought I'd best ask you about that.

Hon Ms Gigantes: It looks like I was creating that note on March 25th, doesn't it?

Ms Cronk: I'm sorry, I didn't hear you. It looks like?

Hon Ms Gigantes: It looks like I was creating that note on March 25th, signing off.

Ms Cronk: When you were requesting it, yes, that that be—

Hon Ms Gigantes: The letter to—but that would have been the letter to the board.

Ms Cronk: That's right. And it looked—well, the implication of this that I'm asking you about is twofold: First, it seemed to me in reading this e-mail that at least by April 13th your request for a copy of the report had been made clear to Ministry of Housing people.

Hon Ms Gigantes: It looks like.

Ms Cronk: All right. And I put no more moment on it than that, but there appears to at least have been an inquiry—perhaps that's quite standard; I don't know—about whether you should be given a copy, and I thought I'd ask you about that. As far as you were concerned, if you asked for it, I assume you expected to get it.

Hon Ms Gigantes: Absolutely.

Ms Cronk: And ultimately you do get it—

Hon Ms Gigantes: Yes.

Ms Cronk: —but I'm suggesting to you it takes some time?

Hon Ms Gigantes: Well, again, it may have taken me some time to make it perfectly clear, quote, unquote.

Ms Cronk: You don't think it was clear from that e-mail that you'd asked for a copy of it?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: Yes.

Hon Ms Gigantes: But before that, I may have said, "Where's the report?" You know, "Why am I not seeing the report?" I can't recall.

Ms Cronk: All right. But it took some time after the middle of April for you to get the report, based on what you've told the committee?

Hon Ms Gigantes: I believe that I received the report late April, early May.

Ms Cronk: And when you read the report, were you satisfied by its contents that it adequately addressed the issues that you understood had been raised by, at this point, Trinh Luu, Sharron Pretty and, to a certain extent, Michael Séguin?

Hon Ms Gigantes: I had questions about how what

was in the report related to what the ministry—the work the ministry was doing in an ongoing way with the board to put some of the report's recommendations into action. I was trying to get a picture as of now, if I could put it that way, and trying—so I recollect asking for some information, once I had read the report, that would give me a picture, a current picture, of what the report—well, I knew now what the report said exactly—where the ministry was at in its work with the board around the recommendations of the report and the progress that was being made there and how that related to the complaints, the most recent outline of concerns that had been raised by Trinh Luu and Sharron Pretty.

Ms Cronk: So that when you got the report, which of course was dated from some months earlier, you were concerned to ensure that you received sufficient updating information—

Hon Ms Gigantes: Yes.

Ms Cronk: —that your state of knowledge about the matter was current? Is that what you're saying?

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. Apart from that, though, the currency of it—

Hon Ms Gigantes: Yes.

Ms Cronk: —and I appreciate the need to get an update on what the situation was, with respect to the contents of the report itself, were you satisfied that it adequately addressed the concerns that had been raised?

Hon Ms Gigantes: It certainly addressed many of the major issues which had been raised. I can think of, for example, the question of the adequacy of maintenance, the adequacy of the operations of the centre in terms of tenant selection, tenant placement. I did ask for additional materials to confirm, additional information to confirm what had been happening on some of the recommendations, but I felt that in general it should be a report that could make Sharron Pretty and Trinh Luu, given what I knew, from their correspondence, of their concerns, feel like some of the problems that they had identified had been reviewed and where the ministry could make recommendations for improvement, those improvements were being undertaken. Some of them I wanted to try and confirm were in place.

Um, there was one other thing I was going to mention before I got into that long-winded sentence. It's gone from my head at the moment.

Ms Cronk: All right. Well, when you think of it, please feel free to indicate that to me.

At that point, Ms Gigantes, when you read the report, you knew that neither Sharron Pretty nor Trinh Luu were satisfied with its contents as an adequate response to their concerns?

Hon Ms Gigantes: Ah, that's—thank you for the question. Now I'm remembering. I also knew from the background notes that the ministry had been providing that in fact Sharron Pretty had not been in attendance at the major portion of some recent meetings. In other words, she had come at the beginning of meetings but indicated she wasn't able to stay. So one of the questions I had in my mind was, is Sharron Pretty fully informed

about the changes that are taking place or have taken place following on the compliance review? If she weren't able to attend a large part of recent meetings, was she up to date?

Ms Cronk: I see. Marc Collins has given evidence before the committee, Ms Gigantes, that following upon your request for a copy of the compliance report, he set about to get it, effectively—

Hon Ms Gigantes: Yes.

Ms Cronk: —my language, not his—and that ultimately he as well as yourself received a copy.

Hon Ms Gigantes: Right.

Ms Cronk: And that upon his review of it, he was not happy with it; he had concerns about it. Did he express that view to you, and if so—I'm sorry?

Hon Ms Gigantes: I believe that we did discuss the compliance report and I think also that we discussed the additional information that we thought would be important to have.

Ms Cronk: You got that report, based on what you've recalled for the committee, towards the end of April, beginning of May?

Hon Ms Gigantes: That's what I recollect.

Ms Cronk: All right. At what point did you learn, Ms Gigantes, that Sharron Pretty had initiated charges involving other members of the board of directors of the Van Lang Centre with respect to alleged infractions of the Corporations Act?

Hon Ms Gigantes: I don't know at what date I became aware of that.

Ms Cronk: All right. Can I—

Hon Ms Gigantes: I don't know at what date I first heard that there might be any kind of legal actions undertaken, let alone under the Corporations Act.

Ms Cronk: All right. Can we talk about that a bit? And I may be able to help you with some documentation.

Hon Ms Gigantes: Yup.

Ms Cronk: The committee has heard that in mid-May, on or about May 12th and May 13th, 1994, Karen Ridley of your Toronto office staff, I take it, spoke to Sharron Pretty—

Hon Ms Gigantes: Yes.

Ms Cronk: —and during the course of that discussion Ms Pretty provided to Ms Ridley information relating to the fact that there was a court date of June second coming up. To assist you, if you look at tab 38—

Hon Ms Gigantes: Was that Karen Ridley?

Ms Cronk: Yes. The evidence before the committee is that Sharron Pretty and Karen Ridley spoke by telephone.

Hon Ms Gigantes: I didn't think there was a date mentioned here.

Ms Cronk: If you look at the handwritten note—

Hon Ms Gigantes: Yes.

Ms Cronk: There's two handwritten notes. One is May the third, 1994—

Hon Ms Gigantes: Yes, there are three.

Ms Cronk: —indicating a call to Sharron Pretty. The second entry is May 12th, 1994—

Hon Ms Gigantes: And a third.

Ms Cronk: I'm sorry?

Hon Ms Gigantes: And the third.

Ms Cronk: And the third's May 13th, right. So there's an entry for May the third—

Hon Ms Gigantes: Yes, but I didn't recollect that in this document there was an indication, and therefore—from Ezia an indication that there was a date for a court—

Ms Cronk: I see. In the body of the e-mail, which is the main document that you're looking at at this tab, there's no reference to a court date.

Hon Ms Gigantes: Yeah.

Ms Cronk: But in the handwritten note written for May the 12th—

Hon Ms Gigantes: Right.

Ms Cronk: —which concerns a telephone discussion between Sharron Pretty and Karen Ridley—

Hon Ms Gigantes: Yes. Oh, there it is: June 2. Mm-hmm.

Ms Cronk: —there is an entry. And just to assist you, if I could read it for you?

Hon Ms Gigantes: Yes.

Ms Cronk: It says, "Called"—perhaps I should read the whole thing.

Hon Ms Gigantes: "It's too late. Going to court June 2."

Ms Cronk: Right.

Hon Ms Gigantes: "Illegal refusal to hand over agency documents."

1810

Ms Cronk: All right. And what I'm suggesting to you, and we've had evidence about that, is what appears to have occurred, based on the evidence before the committee, is that Karen Ridley calls Sharron Pretty—

Hon Ms Gigantes: Yes.

Ms Cronk: —and either speaks with her or leaves a message—

Hon Ms Gigantes: Yes.

Ms Cronk: —that if she is concerned after receiving your letter, the April 25th letter, in response to her earlier October 29th letter, she was to call.

Hon Ms Gigantes: Yes.

Ms Cronk: On May the 12th, Ms Pretty calls Karen Ridley back and says that she's not happy, and Ms Ridley indicates that she would call ministry staff and get back to her, and she does get back to her on the same day, according to the handwritten note. I should tell you as well that this is a telephone discussion that was taped by Ms Pretty unbeknownst to Ms Ridley and that during the course of that second telephone discussion Ms Pretty provides her with certain details about both her feelings about a meeting with you at that point in respect of which she says that she thinks, as recorded in Ms Ridley's note, that she feels it's too late, that the matter is

going to court June second.

Hon Ms Gigantes: Yes.

Ms Cronk: She also tells her, according to this note, that it concerns an "illegal refusal to hand over"—and that word may be "agency"—"documents."

Hon Ms Gigantes: It looks like, yes.

Ms Cronk: There is also evidence before the committee of a discussion between Sue Lott and Karen Ridley on May the 12th, before Ms Ridley gets this additional information from Sharron Pretty, in which Sue says that she would speak to you and get back to Karen. Are you with me so far on the recounting that I'm giving you here of this note?

Hon Ms Gigantes: Get back to Karen.

Ms Cronk: Ms Pretty calls Karen Ridley, and they have a conversation.

Hon Ms Gigantes: Yes.

Ms Cronk: Karen says she will speak to ministry staff and get back to her.

Hon Ms Gigantes: Right.

Ms Cronk: Karen Ridley then speaks to Sue Lott at your constituency office—

Hon Ms Gigantes: Yes.

Ms Cronk: —all according to this note.

Hon Ms Gigantes: Yes.

Ms Cronk: Ms Lott indicates that she will speak to you and get back to Ms Ridley.

Hon Ms Gigantes: Yes.

Ms Cronk: Karen Ridley then has another conversation with Sharron Pretty in which it appears that she's provided these details concerning Ms Pretty's reaction to the suggestion of a meeting and also quite specifically information indicating that there's a court action and a court date of June the second.

Hon Ms Gigantes: That's correct.

Ms Cronk: Then Ms Ridley speaks further on the next day, May the 13th, to Sue Lott.

Hon Ms Gigantes: To Sue.

Ms Cronk: I'm looking now at the note at the bottom of the page. Do you have that?

Hon Ms Gigantes: I do. "Evelyn wants look compliance report."

Ms Cronk: Right, and my question to you is this: Did either Ms Ridley or Ms Lott, with that information now available to you, speak to you in mid-May 1994, to the best of your recollection, and tell you that there was a court action with a June second date, or with or without any mention of the date, involving Sharron Pretty and Van Lang?

Hon Ms Gigantes: My recollection—and I cannot tell you when this happened, but I have this image in my mind. I am in the constituency office. Sue Lott says to me: "We were working on setting up a time for a meeting. I spoke to Sharron Pretty, and Sharron Pretty told me that she's involved in court actions" or words to that effect.

Ms Cronk: Who do you remember telling you that?

Hon Ms Gigantes: Sue Lott.

Ms Cronk: Sue Lott, and you can't fix a time to that?

Hon Ms Gigantes: That's right. Now, in many ways that's a perverse image, because I can find nothing in records that would indicate that it was likely Sue who told me that, but that's my image, that's my recollection.

Ms Cronk: Well, the committee has also heard, Ms Gigantes, if this assists you in any way, I don't know whether it will, that on May 19th—

Hon Ms Gigantes: Yes.

Ms Cronk: —Ms Pretty had a telephone discussion with Sue Lott.

Hon Ms Gigantes: Yes.

Ms Cronk: A transcript of that telephone discussion is before the committee. Have you seen that transcript?

Hon Ms Gigantes: I haven't read the transcript.

Ms Cronk: All right. The information before the committee is that during the course of a telephone call on May 19th, Ms Pretty provides quite specific information, in some respects, to Ms Lott.

Hon Ms Gigantes: I heard the earlier evidence to that effect.

Ms Cronk: All right. My question to you is, does that date, May 19th, and knowing that it is at that time that Sue Lott gains further details, or perhaps obtains for the first time details, of this court action involving Sharron Pretty and the Van Lang board, does that help you fix the memory that you have in your mind of having been told about a court action?

Hon Ms Gigantes: It could.

Ms Cronk: You're not sure, but it could?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. Do you have a specific recollection in your mind of Sue Lott at any point coming to you and saying, in a casual, formal or informal way, "I've learned from Sharron Pretty that there are proceedings out there involving the board of Van Lang and it's in court and it involves access to documents issues," or words to that effect?

Hon Ms Gigantes: I remember something very like that and I remember that her response and my response was, "Well, that sort of puts things on hold for the moment." Because I certainly wasn't the least bit clear about what was happening.

Ms Cronk: All right. So you recall being told something by Sue Lott—

Hon Ms Gigantes: I do.

Ms Cronk: —that caused you to say, "Things are on hold as a result"—

Hon Ms Gigantes: Yes.

Ms Cronk: —"until I get more detail."

Hon Ms Gigantes: Yes.

Ms Cronk: But you can't—or can you help me as to what, to the best of your recollection, she communicated to you then, the details of it?

Hon Ms Gigantes: Merely that she had had I believe a telephone conversation with Sharron Pretty and learned

that Sharron had undertaken court action of some kind. I don't recollect details further than that, and we both said, "Well, that sort of puts that on hold for now."

Ms Cronk: Would you agree with me, Ms Gigantes, that if you were to go forward with a meeting with Sharron Pretty, whether or not it involved others connected with this, that it would be important for you to have details of what that legal action involved, given that you now knew that there was some kind of a proceeding out there?

Hon Ms Gigantes: Absolutely.

Ms Cronk: All right. The committee has heard that shortly thereafter, shortly after this discussion between Sue Lott and Sharron Pretty in point of time, on or about May 27th, contact is made by Mora Thompson of Ms Marland's offices and Marc Collins of your political staff in Toronto in which they have a discussion first about Trinh Luu's outstanding—sorry, Sharron Pretty's outstanding request for a meeting. Let me back up and do that again.

The information before the committee is that they have a discussion about the fact that Trinh Luu has come in and met with Mora Thompson, that Trinh Luu has not received a response to the request for a meeting, and details are provided to Marc Collins in that conversation about a legal proceeding being outstanding and in progress. And the evidence before the committee at the moment is that also during that discussion, which he acknowledged could fairly be described as a favour, that it was a professional communication—

Hon Ms Gigantes: Yes.

Ms Cronk: —in which he was being alerted to the fact that the opposition party had been informed about this and contacted, that he was told that it would be monitored and that effectively, if there wasn't a response or action taken, it might be raised in the House. Now, did Marc Collins tell you of that discussion with Mora Thompson?

Hon Ms Gigantes: Yes. I don't know how detailed he was, but I can clearly recollect Marc telling me about the call.

Ms Cronk: And do you recall whether in talking to you or telling you about the call, he mentioned that Mora Thompson knew about the court proceedings or about court proceedings or that she'd mentioned that to him?

Hon Ms Gigantes: I cannot remember that detail.

Ms Cronk: All right. Well, do you remember anything about what Marc Collins told you that reinforced or corroborated in any way the earlier information you'd received from Sue Lott about a court action?

Hon Ms Gigantes: No, I don't recollect that. I don't recollect that. This was a new element to all the discussion that had gone on and I do remember that my response was, "Well," you know, "that's it, that's fair; she's got a right to go and talk to Margaret Marland or whoever," but it was another fact.

Ms Cronk: Would you agree with me that it was an additional fact that also lent some potentially added focus or seriousness to the issue in the sense that you were aware of previous intimations in March of 1994 that this

might be taken to the media?

Hon Ms Gigantes: Yes.

Ms Cronk: And there was more than one of them; we've talked about them. Am I right so far?

Hon Ms Gigantes: Yes.

Ms Cronk: Right. There was one in writing to Brian Sutherland and—

Hon Ms Gigantes: I have agreed that I probably knew about that.

Ms Cronk: Yes. So at that point there was intimations that it might be taken public—

Hon Ms Gigantes: Yes.

Ms Cronk: —if an adequate response wasn't received.

Hon Ms Gigantes: Yes.

1820

Ms Cronk: You're in the course of trying to obtain a copy of the compliance review for the purpose of either deciding to hold a meeting or finalizing arrangements for the meeting, and then by the end of May you learn that there's a court action, as yet unfully described to you, out there involving Sharron Pretty and Van Lang, and now you're being told by one of your political advisers that the opposition offices have called and told him that this matter might be raised in the House.

Hon Ms Gigantes: Right.

Ms Cronk: All right. And did that at that point add an additional level of significance or seriousness to the matter for you?

Hon Ms Gigantes: It's another fact about a serious situation.

Ms Cronk: The facts are building, are they not, at this point?

Hon Ms Gigantes: They are indeed.

I'm going to take a moment, if I might, and say that over years as both a broadcaster, an elected representative and working in other capacities, I've dealt with people who have felt that they had issues that were terribly important, and they have, in the course of my connection with them, decided to—

Mr Murphy: Excuse me. Can I get you to move closer to the microphone? Sorry about that.

Hon Ms Gigantes: Yes. I was saying, in the course of my connection with people who have had serious concerns of one nature or another, they have very frequently said, "If I don't get action from you"—that would be as a broadcaster or as an elected representative or as somebody who worked in another capacity where I was expected to be able to provide a service—"then I will go to someone else," or "I will go to the media." My attitude is always "That's their right."

So when you say, does it add to the seriousness, the seriousness of the situation in my mind was not focused on the politics of it. As it turned out, when I look back, I think that it was the public discussion and the nature of the public discussion which has troubled me most.

Ms Cronk: And by that do you mean the disclosure in the public through media reports about the matter?

Hon Ms Gigantes: Yes, in particular starting with the June first articles.

Ms Cronk: By Mr Wallace.

Hon Ms Gigantes: By Mr Wallace, in which there were very large allegations cast about, quoting Sharron Pretty. It was that kind of thing, the potential for that kind of thing, which bothered me most.

Ms Cronk: May I ensure that I understand what you're telling me and examine with you some of the facts, as I understand them, in May, all right?

Hon Ms Gigantes: Yep.

Ms Cronk: You knew, by virtue of the prior correspondence from Sharron Pretty and Trinh Luu, that very serious allegations had been raised by them—

Hon Ms Gigantes: That's right.

Ms Cronk: —both, I suggest, about the management practices at the centre and certain of its personnel, its staff, the superintendent?

Hon Ms Gigantes: The staff and other board members, and some of those allegations were of the nature that they could be extremely hurtful, and I think they were hurtful once they became public.

Ms Cronk: Well, indeed, would you also agree with me that some of the allegations made alleged wrongdoing with legal implications, leaving aside whether they were correct or incorrect, accurate or inaccurate?

Hon Ms Gigantes: Yes, there were wrongdoings alleged with legal implications, and there were also allegations of reverse racism practised by a Vietnamese group.

Ms Cronk: And that was a matter of concern.

Hon Ms Gigantes: That bothered me intensely.

Ms Cronk: And in addition to that particular allegation, what I'm suggesting to you generally was, the allegations, almost from the outset, in Sharron Pretty's correspondence, certainly in Trinh Luu's, were of a very serious nature?

Hon Ms Gigantes: They were indeed.

Ms Cronk: Many of them, and again I'm not in any way implying or making any observation on the accuracy or inaccuracy of them, but the fact of them and the nature of them impugned the integrity and good character of a number of individuals. Isn't that so?

Hon Ms Gigantes: Yes, they did.

Ms Cronk: And I'm suggesting to you, Ms Gigantes, that based on that correspondence, you and your ministry staff—there was nothing new about that at the end of May. You'd known that for some considerable time.

Hon Ms Gigantes: No, but the offer—huh—to go to the media really did imply that allegations of that nature would become public. The politics of it, in the sense that it would be raised in the Legislature, didn't bother me as much as the notion of such allegations being made publicly. That did bother me.

Ms Cronk: In fairness to you, there's evidence before the committee that indicates that in that discussion between Mora Thompson and Marc Collins, Ms Thompson may, as well, have indicated to Mr Collins

that Trinh Luu had indicated that the matter might be taken to the media as well as raised in the House. Did he make you aware of that? Do you associate that with your information at the end of May?

Hon Ms Gigantes: I don't recollect that.

Ms Cronk: Would it also be fair of me to suggest that by the end of May—May 27th or thereabouts, when this discussion or communication is held—you also knew, because of the correspondence in March from Trinh Luu and Sharron Pretty, both to yourself directly and to Brian Sutherland, that neither of those individuals were content, indeed quite the reverse, with the findings of the compliance review?

Hon Ms Gigantes: That is correct.

Ms Cronk: In that sense, they were unhappy with the Ministry of Housing action as well as actions by people at the Van Lang Centre.

Hon Ms Gigantes: That is correct.

Ms Cronk: Would I be correct, therefore, in suggesting to you that the spectre of the matter going to the media—and I don't impute any significance to it—but the fact of a renewed intimation of going to the media at the end of May now carried with it the possibility of some criticism of Ministry of Housing personnel, in addition to the very serious allegations that had been made about Van Lang-associated individuals?

Hon Ms Gigantes: I felt that potential had been there for a long time. It was very explicit in the March 4th communication because it was a rejection of the best efforts of the Ministry of Housing. But certainly in their direct appeals to me, particularly through the constituency office staff, the message I was getting for some time before that was that the Ministry of Housing was not performing adequately.

Ms Cronk: Whatever might have been your anticipation earlier in terms of what might have been taken to the media, what I'm suggesting to you is that by the end of May that was certainly potentially in the cards that it might.

Hon Ms Gigantes: Yes, it certainly was.

Ms Cronk: Van Lang plus ministry.

Hon Ms Gigantes: Oh, yes.

Ms Cronk: Were you informed by Sue Lott following her discussion with Sharron Pretty in May that Ms Lott had expressed the view to her that your meeting with Sharron Pretty in the circumstances of a pending or outstanding legal action would place you in a very difficult or very awkward position? Did she tell you that?

Hon Ms Gigantes: If I'm reconstructing this image that I have about the information being received by me from Sue, we both said, "Well, that sort of puts that on hold for the moment," and that Sue said, "Well, that's what I told her." It's as simple as that.

Ms Cronk: It's based on your recollection you had—

Hon Ms Gigantes: I don't remember any details further than that.

Ms Cronk: I'm obliged, in fairness to Ms Lott, to put this to you, Ms Gigantes.

Hon Ms Gigantes: She doesn't remember.

Ms Cronk: That's right.

Hon Ms Gigantes: Yes.

Ms Cronk: Have you been listening to the evidence?

Hon Ms Gigantes: I listened to her, yes.

Ms Cronk: I don't mean to be facetious; you're of course entitled to do that. You understand, then, that Ms Lott has said that she does not remember speaking to you about that call to Sharron Pretty.

Hon Ms Gigantes: Sure, right.

Ms Cronk: Are you saying to the committee that you think you knew some information of that kind had been—some view of that kind had been expressed to Sharron Pretty by Ms Lott?

Hon Ms Gigantes: I have this image in my mind of it.

Ms Cronk: Well, did Ms Lott say that to you? I understand what you mean by an image. You're recalling, you're seeing her in a discussion with you.

Hon Ms Gigantes: Yes.

Ms Cronk: In the context of your recall of that, do you remember Ms Lott expressing a view to you about the wisdom of a meeting with Sharron Pretty, given the legal action?

Hon Ms Gigantes: No, I don't remember the expression of view. It was a kind of mutual, you know, a double kind of statement in which we both said, "Well, that sort of puts that on hold." I think I recollect her saying, "That's what I told her," that nature of thing.

Ms Cronk: Do you remember asking of Ms Lott further details as to what she'd told Sharron Pretty?

Hon Ms Gigantes: No.

1830

Ms Cronk: Did you know that she had also said to Ms Pretty that, in the circumstances of an outstanding court action involving the province by virtue of the involvement of the crown, that it was not a question of whether you wanted to meet with Ms Pretty, but it was a question of the perception of the situation?

Hon Ms Gigantes: No. I don't remember further details other than that. When I say "image," it's because I can see us—I can see where we're standing in the office and I also have the image of a discussion that goes on sort of between engagements and in a fairly fast kind of interchange.

Ms Cronk: Was it your own view at the time, that is, when associating this recall that you have of the discussion with Sue Lott—

Hon Ms Gigantes: I hope I have.

Ms Cronk: Well, I assume you wouldn't be telling me about it unless you do have that image.

Hon Ms Gigantes: That's true.

Ms Cronk: When you think of that, and knowing what you did have before you in May of 1994, was it your own view that it would place you in a very difficult situation to meet with Sharron Pretty, given an outstanding legal action?

Hon Ms Gigantes: I didn't—again, I'm going back to that picture I have in my mind and I don't remember any weighty thoughts, just, "Okay, hold it." Just, "Hold it." That's what I remember. And we both said, "Well, that puts it on hold." That's what I remember, and I think I remember Sue indicating—no, that's what I said to her.

Ms Cronk: And is that because, Ms Gigantes, the fact of an outstanding or a pending legal action of whatever kind, as you're telling me—at that point, you don't know the details.

Hon Ms Gigantes: You want to know what it is that's going on.

Ms Cronk: Just to pursue that a bit, is it because that raises, with all that you know of the potential for conflict, a red flag in your mind?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: And is it therefore also because at that point, as a minister of the crown conversant both with the guidelines and generally the propriety of meeting in those circumstances, something in you says, "I've got to know a lot more about this before I can go forward"?

Hon Ms Gigantes: Oh, yes, absolutely.

Ms Cronk: And did you at that time consider that it might not be possible to meet with these people any longer because of that action?

Hon Ms Gigantes: Yes.

Ms Cronk: Did you therefore at that point, yourself, seek further details as to the nature of that legal action?

Hon Ms Gigantes: I don't have any recollection of that, but I know I wanted information. I don't have any recollection of speaking to a particular person or making a particular request, but I do have a recollection expressing a need to know.

Ms Cronk: Do you recall to whom you expressed that?

Hon Ms Gigantes: No. I wish I could.

Ms Cronk: All right. Can you, by thinking of the date of Mr Wallace's articles, which appeared on June the first, associate for me in time your image of this discussion with Sue Lott? In other words, what I'm saying to you is: Do you, in looking back on it, recall how long after that discussion with Sue Lott and how long after you learned of the communication between Mora Thompson and Marc Collins it was that those articles were published?

Hon Ms Gigantes: Well, we have a constituency week in May, but I don't know if that was constituency week or not. Somebody else in the room may. But she would have been talking to me if she was conveying the 19th information. Maybe on the 20th or maybe on the 27th; probably on the 20th. I don't know. And I would have—

Mrs Marland: Maybe I can help the minister. The constituency week is the week that follows the 24th of May holiday, so—

Mr Sutherland: That was later this year.

Hon Ms Gigantes: Okay, but that would mean that I would regularly, on—the week when she would have

talked, on the 19th, to Sharron Pretty, if my schedule were normal, and I don't know whether it was then, I would have been in the constituency office and in and out of the constituency office certainly on the 20th, which was a Friday.

Mr Winninger: If it assists the committee, constituency week was the week of the 23rd of May to the end of that week.

Hon Ms Gigantes: So the possibility is that that was when this image occurred.

Ms Cronk: All right, so it could then have been some time in the week preceding publication of those articles by Mr Wallace, from the 23rd through to the first of June.

Hon Ms Gigantes: Yes, but if we're being told that it happened the week—constituency week was the week of the 24th, then I probably would have remained, throughout that week, in Ottawa.

Ms Cronk: All right. So it's likely then that it would be through that week?

Hon Ms Gigantes: Yes, but the reason I raise that as a bit of a difficulty in my understanding of it is that I would have thought that I would be asking the question in Toronto, but I simply may have asked the question from Ottawa to Toronto to find out what was happening.

Ms Cronk: Thank you for that on the time frame. There's one other aspect—

Hon Ms Gigantes: I don't know if it was much help.

Ms Cronk: Well, it may then have been several days before the Wallace articles appeared, and you've told the committee that you asked for more detail, although you can't remember of whom.

Hon Ms Gigantes: No, and I'm not—see, I'm not sure whether I did ask for details in that time period or whether I asked for information after the Wallace articles.

Ms Cronk: Well, I wanted to—

Hon Ms Gigantes: I'm not certain.

Ms Cronk: I wanted to ask you about that because—

Hon Ms Gigantes: Yeah. I don't know.

Ms Cronk: May I explain to you why I want to ask you about it?

Hon Ms Gigantes: Yeah.

Ms Cronk: If a red flag went up in your mind when Sue Lott told you this, as you said it did—

Hon Ms Gigantes: Yes.

Ms Cronk: —sufficient for you to say, "That's on hold until I find out more"—

Hon Ms Gigantes: "Hold it," yes. Right.

Ms Cronk: —and if that led you to seek further information about it, you had a woman there who might have been in a position to provide it to you, Sue Lott, because she's had a discussion with Sharron Pretty.

Hon Ms Gigantes: Yes, but why would you—I wouldn't consider Sharron Pretty an adequate—I mean, this person is a person who says she's involved now legally. I wouldn't rely on her alone as information as to what was happening.

Ms Cronk: No, I understand, Ms Gigantes, and I wasn't suggesting that. What I was trying to understand is that did it enter your mind that Sue Lott herself, leaving aside the reliability of the information, that Sue Lott herself may have had further detail at that point concerning this lawsuit because she'd had a discussion with Pretty?

Hon Ms Gigantes: I don't remember it entering my mind.

Ms Cronk: And you don't remember asking her that, because you've told the committee that you didn't.

Hon Ms Gigantes: I don't remember. What I remember is that when—I think—I have this image of Sue telling me. It was in a very quick kind of passing exchange of information and I don't recollect further discussion with Sue about it, I don't recollect further discussion with any particular person about it, but I do know that I made efforts to find out, to get information about what was going on.

Ms Cronk: All right. If I understood correctly what you are saying, whatever the refinement of your thinking on this in the latter part of May, certainly when the Wallace articles are published on June first, that changes things in the sense that those were quite serious allegations and now it is public that there are charges involving Sharron Pretty and directors of the Van Lang Centre.

Hon Ms Gigantes: That's correct. When I read—or when I was approached by James Wallace, which I was, at the Legislature—which, again, is strange. Was that really our constituency week? What was I doing down here talking to him that week?

Ms Cronk: May I suggest this?

Hon Ms Gigantes: Yes.

Ms Cronk: Before members of the committee—

Hon Ms Gigantes: Oh, I see, I see. It's the next week, yes.

Ms Cronk: Now you're going to have to help me. What's the next week?

Hon Ms Gigantes: Okay. If we assume that I was in the constituency throughout the period Sunday the 19th through to Monday the 27th, then I would have been approached by Wallace just before the June first article, some time in the period Monday the 27th, 28th, 29th. In my recollection, it was probably the 29th or 30th.

He approached me at the Legislature and he, to the best of my recollection, said that he had learned of serious allegations being made by a director of the Van Lang Centre, that there were charges involved, that the allegations included a long list of allegations. I said I was unwilling to discuss it with him because I did not know what matters were involved in legal proceedings, which I couldn't discuss.

Ms Cronk: Is it your recall that that discussion with Mr Wallace took place before or after publication of his article on June first?

Hon Ms Gigantes: It was before. I think it was the day before, so it might have been the 30th.

Ms Cronk: All right. Thank you, Ms Gigantes. Excuse me. Mr Chair, I know that dinner for the commit-

tee has arrived. I also know that I'm not finished and I certainly will not be in the next 15 minutes. I'm in your hands, if the committee would like to rise now.

The Chair: No, just finish it. That's fine.

Ms Cronk: What I am saying to you, sir, is that I cannot finish before, I would think, 7:15 to 7:30 and my bet is 7:30-plus, and I know it's going to haunt me whatever I say. So do you wish to rise now or do you wish me to finish?

The Chair: I think we'd better rise, with the food that we ordered.

Ms Cronk: Thank you.

The Chair: Okay. This committee's going to recess for one half-hour.

The committee recessed from 1840 to 1926.

The Chair: Okay. We'll resume the hearings and, Ms Cronk, the witness is yours.

Ms Cronk: Thank you, Mr Chair. Ms Gigantes, I wanted to go back to one thing, because it is possible that I misstated in one of my questions to you the facts as I understand them, so I want to correct it. It has to do with the discussion held between Mora Thompson and Marc Collins of your offices on or about May 27th.

It is the evidence before the committee, as I understand it, that during the course of that discussion Ms Thompson indicated to Mr Collins that if Trinh Luu and Sharron Pretty asked her offices to bring the issue into the House and to take it before the media, then in those circumstances, if there had not been a response from your offices, they would do so.

The reason for my restating of it to you is because I want to make it clear that based on what I recall of Mr Collins's evidence, the opportunity was being afforded through the phone call from Mora Thompson to your offices through him to deal with the matter, and only if it wasn't dealt with and only if requested by Trinh Luu or Sharron Pretty would the matter be taken further. Now, did Mr Collins communicate any of that aspect of the matter to you in his discussion with you about that contact?

Hon Ms Gigantes: I remember the information that he had a call; that he considered it a very good-intentioned, good-natured call; that he had made Ms Thompson aware of the work that was going on around the issue and the fact that certainly our office and the ministry were well aware of the problems and that it was a very active file. I don't remember any details of any other significant nature.

Ms Cronk: All right. Thank you. Coming back for a moment to the discussion held between Sue Lott and Sharron Pretty, and what she, Sue Lott, recounted of that to you, just so that I'm clear, as I understand it, what she told you in part in that regard was that she had indicated to Ms Pretty that a meeting would be difficult with you, very difficult—that's the language at least in the conversation; I don't know what language she used with you, but that it would be very difficult—potentially for you to meet, given the outstanding legal action. Do I understand that she did tell you that she'd expressed a view of that kind?

Hon Ms Gigantes: As I indicated, we both sort of said to each other—this is my recollection. I know it's not Sue's, but it's my recollection—that we indicated to each other after she had informed me of her conversation in very succinct terms that this meant things were on hold, as far as a meeting was concerned, and that she had expressed that view to Sharron Pretty.

Ms Cronk: Did she indicate to you whether she had told Sharron Pretty why it was on hold?

Hon Ms Gigantes: My recollection is such that that would've been implied. First, we say to each other, "Well, there, it's all on hold." And my recollection is that she told me something like, "And I told her that."

Ms Cronk: And you meant by that, I take it, because of the outstanding legal proceedings or the fact of a legal action.

Hon Ms Gigantes: Definitely.

Ms Cronk: And did you understand that that's what Sue Lott meant?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: And there's another feature of that that I want to propose to you and ask for your comment. Based on what Sue Lott has told the committee of that discussion, and even the very short version of that call that you remember her reporting to you, it seems—would you agree that what appears to have happened is some, if I can put it this way, some form of mutual information sharing between Sue Lott and Sharron Pretty in this sense, that Ms Pretty told Sue Lott a number of details with respect to the legal action, those details you don't recall being communicated to you by Sue Lott.

Hon Ms Gigantes: Oh, no.

Ms Cronk: But you now know, I take it, that there was considerable detail in that discussion between Sue Lott and Sharron Pretty about the legal action.

Hon Ms Gigantes: I listened to earlier evidence that indicated that was the case, and in fact that Sharron Pretty had called back—according to the tape that Sharron Pretty made—had called back and presented an argument in favour of a meeting.

Ms Cronk: Mm-hmm. And the argument being that Trinh Luu was not involved in the action and that the charges related to the Corporations Act, whereas what she wanted to discuss with you related to tenant access, tenant participation and the core issues.

Hon Ms Gigantes: Housing issues.

Ms Cronk: That's right. And what I'm suggesting to you is that in that call, Sharron Pretty gave information to Sue Lott in some degree of detail concerning the legal action. Whether or not it was communicated to you, Sue Lott received it at that point.

Hon Ms Gigantes: But I didn't—

Ms Cronk: Know that at the time.

Hon Ms Gigantes: I didn't know that.

Ms Cronk: All right. If that is the case, if that's what occurred in the telephone discussion, you did know that Sue Lott expressed, in some form, reservation to Sharron Pretty about the potential for a meeting going forward

because of that legal action. That at least you knew.

Hon Ms Gigantes: That's what I believe I remember.

Ms Cronk: And what I'm suggesting to you then is that Sharron Pretty was learning something in that telephone call as well, and that is that in the circumstances of a lawsuit of that kind it would, in the language of Sue Lott, be very, very difficult potentially for you to meet with her.

Hon Ms Gigantes: Well, I don't know. I can't speculate what Sharron Pretty was learning or what she was attempting to learn, or indeed how clear either of them were about the distinctions that were apparently discussed.

Ms Cronk: Your point's well taken, and I shouldn't have invited you to be speculating. What I'm suggesting to you is that if it is the fact that Sue Lott said in that conversation with Sharron Pretty that because of the lawsuit, the legal action, it would be, in Sue Lott's words, very, very difficult potentially for you to meet, and that it would put you in a difficult or awkward position if only perceptually, then that's information that objectively was communicated to Sharron Pretty at that time, whether she knew it before or not. Do you understand what I'm saying?

Hon Ms Gigantes: Yes. My recollection is that Sue told me that she had indicated to Sharron that the existence of legal proceedings was a problem as far as a meeting was concerned.

Ms Cronk: And that means, doesn't it, that from at least that point, if not before—and I'm not asking you to speculate on that—but from at least that point, Sharron Pretty knew that meeting would be problematic for you?

Hon Ms Gigantes: Unless she thought that the distinction that she was attempting to draw between the Corporations Act proceedings, which she referred to apparently in that taped telephone conversation, and Ministry of Housing policy matters, which she was indicating she considered a separate matter, was going to be a good argument in favour of a meeting.

Ms Cronk: So, if that was a sufficient distinction, the meeting would not be problematic; but if it wasn't, she was at least on notice, if I can put it that way, from the point of her discussion with Sue Lott, that there was an issue, because of the lawsuit, as to whether you would be able to meet with her or whether you should meet with her.

Hon Ms Gigantes: That was my recollection of what Sue told me and that is what the evidence before the committee, in terms of the transcript of the taped conversation, would indicate to me.

Ms Cronk: All right. Then on June first, moving forward in time, you learned of the articles published by Mr Wallace and you told the committee of a discussion that you had with him, you believe shortly before publication of the articles.

Hon Ms Gigantes: Yes, I believe it was probably the day before.

Ms Cronk: Am I correct that in addition to very specific allegations made by Ms Pretty, it was disclosed that "Pretty filed a complaint," to be precise, "with the

crown attorney's office to get employment and other records from the non-profit housing corporation that runs the complex because the government wouldn't act on her complaint." That was information reported in the article.

Hon Ms Gigantes: Well, I don't have the article in front of me, but I certainly trust your reading of it.

Ms Cronk: Thank you for that, but let's be sure. Could you look at tab 53, exhibit 1, volume 2. And if I can draw your attention to the third full paragraph.

Hon Ms Gigantes: "Pretty filed a complaint"?

Ms Cronk: Yes. If you could just take a minute to read that. I was reading from it when I put it to you a moment ago, and what I'm suggesting is that from the time of that article, it was clear that Pretty had "filed a complaint with the crown attorney's office," stopping there, and therefore that the crown was involved. It's clear on the basis of this article that that was—

Hon Ms Gigantes: That's what the article said.

Ms Cronk: Right. And secondly, some description of the nature of the complaint was provided; namely, that it related to accessing certain kinds of information.

Hon Ms Gigantes: That's what the article says.

Ms Cronk: All right. And then, as you pointed out earlier, there are a number of specific allegations set out, and indeed a comment is attributed to you that you said that you "knew about the allegations but wouldn't comment on them because of the court case"?

Hon Ms Gigantes: That I "ignored allegations" in the first paragraph—"Gigantes said she knew about the allegations but wouldn't comment on them because of the court case." That is not exactly how I recollect having expressed myself, but it's not a bad representation.

Ms Cronk: What do you recall having said?

Hon Ms Gigantes: I recall having said that I didn't know the exact nature of what was involved in whatever legal proceedings might be under way and therefore I was very reluctant to comment on anything surrounding the allegations because I didn't know which of the allegations might be involved in legal proceedings. Maybe I didn't put it quite so laboriously to him, but that's my recollection of what I was trying to express to him.

Ms Cronk: Am I correct then in suggesting—and perhaps I should ask you to look at the sentence in between those two paragraphs, which says, "The case goes to court tomorrow in Ottawa."

Hon Ms Gigantes: I'm sorry. Um, yes.

Ms Cronk: After the paragraph I quoted and then the second, "The case goes to court tomorrow in Ottawa"?

Hon Ms Gigantes: Right.

1940

Ms Cronk: Am I correct in suggesting to you that at this point in time, after June first, after publication of the article, on the basis of the information in the article and on the basis of what Sue Lott had told you, you knew that there was this action or complaint, that there was a court date, according to the article, scheduled for—

Hon Ms Gigantes: Yes.

Ms Cronk: I'm not asking you to accept the accuracy

or inaccuracy of it, but in terms of information then known to you as suggested—

Hon Ms Gigantes: And it was a repetition of an earlier date that had apparently been mentioned in telephone conversations too. Yes.

Ms Cronk: So there's mention of a court date, there's mention of involvement by a crown attorney, there's some description of the nature of the complaint and the fact that it involves Sharron Pretty and the Van Lang Centre. Is that where we are in the state of it at that point?

Hon Ms Gigantes: Yes, in terms of—did you mention the allegations? There is also a list of allegations.

Ms Cronk: Yes, but there's no suggestion in the article that her case involved those allegations, is there?

Hon Ms Gigantes: No, there is no such suggestion.

Ms Cronk: So I'm just focusing on the case.

Hon Ms Gigantes: That's right. Yes.

Ms Cronk: And am I right in the details that I suggested to you about the complaint or the case involving the crown attorney, that those were the facts?

Hon Ms Gigantes: Yes, that's how I read the article.

Ms Cronk: Thank you. And then, as I understand it, and there's evidence before the committee, on the following day, Marc Collins, as it happens, had a discussion with Trinh Luu, and during the course of that discussion information was provided to Mr Collins by Trinh Luu regarding the case and regarding Ms Luu's and Ms Pretty's position with respect to Van Lang, or their concerns. Did Mr Collins make you aware of that telephone discussion in the first couple of days of June, or the early part of June?

Hon Ms Gigantes: I don't recollect that. Now, partly that may be because I was not speaking to him. Let me look at the dates here. I would have returned home on the 30th of June if I were following my normal routine, which would put me in the constituency office, again if the schedule were as normal, on June first, the Friday, and I might not have had occasion to talk to Marc until the following week.

Ms Cronk: Assuming even that it was the following week, at that point did Marc tell you about the conversation he'd had with Trinh Luu?

Hon Ms Gigantes: I don't recollect that.

Ms Cronk: All right. Do you recall learning more the following week from Marc Collins about the case or the complaint that Sharron Pretty had initiated?

Hon Ms Gigantes: I can't recollect what I learned about the case or indeed when I learned it. What I do know is that I learned something at some point over the next few days which made me feel that it was still a useful idea to contemplate a meeting.

Ms Cronk: Do you remember what the something was that made you think that?

Hon Ms Gigantes: It was confirmation that as far as we could understand things, the description contained in the Sun, the information provided, either to Marc or to Sue or to both, and also, I guess, earlier to Karen Ridley,

about the nature of the case was accurate; in other words, that it was a Provincial Offences Act charge, that it related to the Ontario Corporations Act and the specific charge was the non-production of documents which should be available to a board of directors of that corporation.

Ms Cronk: Are you saying, Ms Gigantes, that when that confirmation was received, it relieved some of your concerns about having a meeting?

Hon Ms Gigantes: Yes, it did.

Ms Cronk: Why?

Hon Ms Gigantes: Because it did not involve the Ministry of Housing, to begin with. It was a matter of one member of a board of directors who had brought an action under the Ontario Corporations Act against other directors, and many of the concerns which seemed to be preoccupying both Trinh Luu and Sharron Pretty for many, many months were outside the scope of the relationships among the board of directors and dealt specifically with issues which could be resolved by reference to Ministry of Housing guidelines or to assistance from the ministry in terms of the operations of the non-profit corporation.

Ms Cronk: And as I understand it, a meeting was arranged for June 10 involving yourself and Trinh Luu?

Hon Ms Gigantes: Yes.

Ms Cronk: Was it your intention that that meeting should be solely between yourself and Trinh Luu?

Hon Ms Gigantes: It is certainly not my recollection that it should be that meeting. My recollection is very specifically that I said, and I cannot tell you to whom, that I wanted two meetings, that I wanted to meet both sides separately, one after the other, that I would hear both sides, and I think I even used an expression something to the effect of "Let's line them up and do them—bang, bang."

Ms Cronk: Meaning the meetings?

Hon Ms Gigantes: The meetings.

Ms Cronk: And you don't recall to whom you said that?

Hon Ms Gigantes: I don't.

Ms Cronk: You don't recall to whom you said that.

Hon Ms Gigantes: No.

Ms Cronk: Did you, in concluding that you could proceed with those meetings, Ms Gigantes, seek advice on the matter from your—let's start with your political staff.

Hon Ms Gigantes: Did I receive advice?

Ms Cronk: Yes.

Hon Ms Gigantes: I had been receiving consistent advice both from the ministry and my political staff all the way through this piece, certainly intensely during the spring leading into June.

Ms Cronk: My question to you was a little bit more specific and in fairness, I want to make sure that I've said it clearly enough. Between the time when you had reservations about whether you were in a position to go ahead and meet and the time that you concluded that you

could do that, for the reasons that you have explained, did you seek advice from your political staff as to whether it was advisable to do so?

Hon Ms Gigantes: I don't think I said, you know, "Would you give me your advice on this?" My staff give me advice.

Ms Cronk: Did you receive their input?

Hon Ms Gigantes: They always provide input.

Ms Cronk: All right. Do you remember them doing so on this occasion?

Hon Ms Gigantes: Which occasion?

Ms Cronk: The occasion when you were trying to determine whether to go ahead with the meeting with this group and whether you were in a position to do so.

Hon Ms Gigantes: We had all discussed concerns around the fact that there were legal proceedings under way. We had all been concerned to find out the nature of those proceedings and to figure out what impact that had on potential meetings. So we certainly had discussions about that. Does that help?

Ms Cronk: Yes, but I'm afraid I can't leave it yet. Do you recall whether it was a formal request of him for advice—I don't know how you ask these things, so whether you asked him for his views—

Hon Ms Gigantes: I just say, "What do you think?"

Ms Cronk: Exactly. Did you ask Marc Collins for his views, for example, or any other member of your political staff as to whether in the circumstances it was advisable to go ahead with the meeting with this group?

Hon Ms Gigantes: Everybody was providing views; it wasn't just Marc Collins.

Ms Cronk: Okay.

Hon Ms Gigantes: We were all discussing what was involved at this stage.

Ms Cronk: And what was the advice you were getting from your political advisers?

Hon Ms Gigantes: Originally, we all felt concern. As we found out the exact nature of what was happening, our concerns resolved themselves.

Ms Cronk: Did any of your political advisers advise you not to hold the meeting or meetings?

Hon Ms Gigantes: I can't recollect that anyone did at that stage. Certainly, earlier, back in March, we had had a lot of discussion around it, in April. You know, the discussion continued, "What was happening?" and there were new pieces of information coming all the time. The legal proceedings was the last piece.

Ms Cronk: I understand. And would it be fair of me to suggest and for the committee to conclude that as the facts changed, obviously the nature of the discussion would change and the relevant considerations would change?

Hon Ms Gigantes: Yes.

Ms Cronk: And it's for that reason that I was trying to focus on what became the issue that caused you to say, "Well, it's on hold for a moment," that is, the legal action.

Hon Ms Gigantes: Yes.

Ms Cronk: What you've told the committee is that after that you did find something out that lent you sufficient comfort, that you were prepared to go ahead.

Hon Ms Gigantes: Yes.

Ms Cronk: And that was that you learned the nature of the action.

Hon Ms Gigantes: Yes.

1950

Ms Cronk: What I'm saying to you is, in that period of time, when you were learning more of the action and determining whether you were in a position to go ahead with the meetings, did any of your political advisers suggest to you that you should not proceed with one or both of those meetings?

Hon Ms Gigantes: I recall nobody saying, "You shouldn't do this meeting." I recall discussion around the significance of the legal proceedings.

Ms Cronk: Did any of them, that is, your political advisers, raise with you the prospect that holding one or both of those meetings might give rise to the perception of a conflict?

Hon Ms Gigantes: I don't think that any one of us over the period all the way through ever used to each other the formal word "conflict." What I can tell you is that it was very clearly identified in all our minds all the way through that we had to understand what was the appropriate role for the minister. That question arose once again, and quite sharply, when we learnt that there were legal issues involved.

Ms Cronk: Again, just confining our discussion to the period of time that followed thereafter, that is, when you found out that there were legal issues, or a legal court case, I understand you to be saying that no one at that point among your political advisers suggested to you that it was inappropriate for you to proceed with one or both of those meetings.

Hon Ms Gigantes: No, not in those terms. We had lots of discussion around the issues, though, which to me—you know, I would like you to understand by that that everybody took that question very seriously, because we discussed the appropriateness: What is the significance of these legal proceedings? How does that affect the question of the meeting? In that sense, yes, we were all considering whether it was appropriate.

Ms Cronk: So as you look back on it, no one, to your recollection, held a sufficiently strong view of it that someone said, "You really shouldn't do these meetings."

Hon Ms Gigantes: Nobody said that to me at that stage that I can recollect, no.

Ms Cronk: All right. Did Marc Collins at any point in that week or so, because we're talking about the period we reviewed in the chronology up to the time of the Thompson-Collins discussion on or about May 27th—we know your meeting with Trinh Luu was the 10th of June. Just dealing with that time frame for the moment, did Marc Collins at any point in that interval indicate to you that he had, in a conversation with Trinh Luu on June the second, expressed reservations about whether you would be able to proceed to have a meeting?

Hon Ms Gigantes: I don't recollect that.

Ms Cronk: Did he at any point that you can now recall, during that interval, that time frame that we're talking about, indicate to you that he had said anything to Trinh Luu suggesting that having a meeting in those circumstances would be very delicate or awkward for you?

Hon Ms Gigantes: I don't recollect that.

Ms Cronk: All right. Then, as I take from your evidence, the meeting, although you had intended that they be back to back and that you meet with both sides, as the world unfolded there was a meeting on June the 10th and it did not involve any of the relevant participants save for Trinh Luu. Is that right?

Hon Ms Gigantes: Well, in fact, if I could explain, I had originally thought of the two sides as Trinh Luu and Sharron Pretty on one hand, and the other members of the board, who had requested a meeting, on the other. In other words, those would be the two groups that I would have meetings with. I looked upon the meetings originally as a question of hearing one side, hearing another and attempting to see if there was any assistance I could offer.

The meeting on the 10th was with Trinh Luu alone. I was surprised that it was with Trinh Luu alone. At the moment when the meeting began, I was surprised that it was only with Trinh, but I did not question that, the reason being that I knew that Trinh was quite familiar—in fact, it was like Siamese twins in terms of Trinh and Sharron Pretty and their expressions of concerns. Trinh is also, as members of this committee have reason to know, an admirable exponent of what she has to say. So I didn't feel that Sharron Pretty was not being well represented, to put it that way.

Ms Cronk: Are you saying, then, that when you arrived at the meeting on June 10th you'd expected Sharron Pretty to be there?

Hon Ms Gigantes: I don't know that I arrived. I think I was probably, in the course of a day—I can't remember exactly what time in the day it happened—but I think I was in my office and Trinh came. I'm not certain. I may have been in and out of the office during the day. However it happened, when it was Trinh alone I thought, "Oh," but I didn't question that Trinh could carry their position.

Ms Cronk: No, I understand. You weren't concerned when she arrived alone, because based on your knowledge of her, as I understand what you're saying, you felt that she could more than adequately outline for you whatever it was that she and Sharron wanted to say. Have I got that part of it right?

Hon Ms Gigantes: That is the case.

Ms Cronk: Okay. What I'm getting at is that when she did arrive for the meeting—whether you arrived or she arrived, at some point you're in the same room together—were you at that point expecting Sharron Pretty to have been there?

Hon Ms Gigantes: Yes, I was.

Ms Cronk: I asked you what advice, if any, on the advisability of that meeting you'd received from your

political advisers in that time frame I identified, May 27th to June 10th. Did you seek and—and I don't wish you to tell me what it was—obtain any legal advice during that period as to whether a meeting with Trinh Luu and, according to your expectations, Sharron Pretty could proceed in the circumstances?

Hon Ms Gigantes: No.

Ms Cronk: Did it occur to you to do so?

Hon Ms Gigantes: Legal advice?

Ms Cronk: Yes.

Hon Ms Gigantes: No.

Ms Cronk: From any source within government?

Hon Ms Gigantes: No.

Ms Cronk: As the meeting unfolded on June the 10th, the committee has heard—and I'll just ask for your confirmation; we can go through the evidence in detail if you like, but am I correct that Trinh Luu covered a fair amount of ground, in the sense that she was communicating considerable information to you?

Hon Ms Gigantes: Yes. She was having a good day at communicating.

Ms Cronk: All right. She was effective at it, is what you're saying.

Hon Ms Gigantes: Yes.

Ms Cronk: She brought with her a considerable number of documents, the committee has been told.

Hon Ms Gigantes: Very considerable.

Ms Cronk: Right. Could I focus on one aspect of the discussion, and that is the court case then outstanding. Did that come up, as you recall the meeting?

Hon Ms Gigantes: Oh, yes, it did, and in fact she had complete documentation in terms of background. She showed me the Corporations Act and the section of the Ontario Corporations Act. She said that the allegation that was being carried in court was that the documents had not been produced according to this section. So it was quite detailed.

Ms Cronk: Do you recall at what point during the course of the meeting the issue of the court case came up?

Hon Ms Gigantes: She began at the beginning. She gave me a chronological history of her experience and Sharron Pretty's experience at the Van Lang Centre. So while I can't tell you at what point the court case came up, I would guess that it came up near the end, because this was a chronology.

Ms Cronk: Did you obtain from her or were you given during the course of the meeting a copy of any of the documents that she'd brought with her?

Hon Ms Gigantes: Yes. There were two pieces of paper that I said, "Trinh, could I have copies of these?" One was the notice to remove Sharron Pretty from the board of directors. That notice was dated two days before our meeting. It was dated the eighth of June. I had no knowledge of that before our meeting. The second was a list which she told me indicated who the charges were against and what they specifically—I think they were supposed to help me understand specifically, but I found

them confusing. I'm not familiar with court documents, and I found them confusing, in fact. I took a copy. I asked Audrey, who was with us, to make copies of those two pieces of paper.

2000

Ms Cronk: Was it just the three of you at the meeting: Audrey Moey, yourself and Trinh Luu?

Hon Ms Gigantes: That's correct.

Ms Cronk: And how long did the meeting last, as you recall it?

Hon Ms Gigantes: It was quite a long meeting, and I wouldn't be surprised if it went an hour and a quarter to an hour and a half.

Ms Cronk: Could I ask you to look at tab 71, which I believe is in volume 3 of exhibit 1, Ms Gigantes?

Hon Ms Gigantes: It's number 71?

Ms Cronk: Yes. At this tab are documents that Trinh Luu has testified were among the documents that she had at the meeting, and that these are among the documents that she showed you, and she has indicated that—unfortunately, the pages aren't numbered, but if you flip through it, you'll find a court docket slip, or document.

Hon Ms Gigantes: Yes.

Ms Cronk: It has a date on it of June the second and, on this copy, handwriting at the top saying, "Call Jeanne." Is this one of the two documents that she gave you at the meeting?

Hon Ms Gigantes: Except for the additional information, which is "New court date." First it has June 16th. That's scratched out and it says "July 21." My recollection of the document that I received was that it just had the June second date on it.

Ms Cronk: And beneath the "July 21," do you recall whether it had "June 16," or no?

Hon Ms Gigantes: I don't remember that and I don't believe it was on the document I received from her, but this is essentially, otherwise—

Ms Cronk: The document you got from her?

Hon Ms Gigantes: Yeah.

Ms Cronk: All right.

Hon Ms Gigantes: I don't think mine had "Call Jeanne."

Ms Cronk: On the top of it?

Hon Ms Gigantes: On the top of it, no.

Ms Cronk: All right. And if you could just perhaps keep your hand at that document and look to the second-last document at the tab, this is a copy of a notice from the board of directors of the Van Lang Centre dated June eighth, 1994, concerning an intended meeting on June 19th to deal with a resolution to remove Sharron Pretty as a director. Is this the second document that you were given at the meeting?

Hon Ms Gigantes: That's it. Now, mine did not have "Rec'd Fri June 10" on it.

Ms Cronk: Yours was a clean of that handwritten note?

Hon Ms Gigantes: That's right, yes.

Ms Cronk: All right. Could I ask you to go back to what I'm calling the court docket slip?

Hon Ms Gigantes: Yes.

Ms Cronk: And did you, when—first of all, did Ms Luu show this to you, hand it to you or just tell you about it at the meeting?

Hon Ms Gigantes: No, she showed it to me.

Ms Cronk: And did you look at it?

Hon Ms Gigantes: I looked at it, but again, I still find it—I still don't know what it means. There is an indication of four items noted beside the name of one director, and I've never understood the significance of that. I don't to this day.

Ms Cronk: I see. Did she speak to you about the names of the individuals involved in these charges when you were looking at this document?

Hon Ms Gigantes: I believe so.

Ms Cronk: And did she make any reference to the date of June second as having been a court date, or did she say anything about that?

Hon Ms Gigantes: I can't recollect that.

Ms Cronk: Ms Luu has indicated to the committee that when she showed you this, what I'm calling a court docket form—and I should also ask you, on the form itself it says, "Ministry of the Attorney General," and then there's writing over the emblem of the province on the left-hand side. Do you see that, where it says, "Ministry of the Attorney General"?

Hon Ms Gigantes: Yes. I do.

Ms Cronk: Ms Luu has indicated that in the course of the meeting, with reference to the court docket, but more particularly the case, she gave you, or outlined for you, considerable detail about it, and I want to indicate to you what she has said to the committee and then I'm going to ask you whether you remember being told these things by Ms Luu at the meeting.

Hon Ms Gigantes: Yes.

Ms Cronk: I'm reading from Hansard at page—from the proceedings of this committee Monday of this week at page M-411, and she said to the committee that she told you the nature of the charges, that she gave you a description of the charges by describing to you that Ms Pretty had been denied access to documentation by the corporation and that these charges related to that. Did she tell you that?

Hon Ms Gigantes: Well, that certainly describes what she told me, yes.

Ms Cronk: She also indicated to the committee, and you've confirmed, that she left a copy of the court docket sheet with you, or what I'm calling the court docket sheet.

Hon Ms Gigantes: Yes. She left a copy like this.

Ms Cronk: She also indicated that she told you at the meeting that it was not a civil court case and that it involved charges under the Corporations Act. Is that correct?

Hon Ms Gigantes: Yes. I knew that already.

Ms Cronk: You knew that charges or a complaint or

proceedings with relation to the Corporations Act was not a civil proceeding.

Hon Ms Gigantes: I knew that.

Ms Cronk: She also indicated that she told you that the crown was contemplating a fraud charge against Dr Can Le. Did she tell you that?

Hon Ms Gigantes: Yes.

Ms Cronk: She also said that the crown had—she says that she told you that the crown had all the evidence with respect to a fraud charge and that it was possible that those charges would be coming up. Did she tell you that?

Hon Ms Gigantes: Yes.

Ms Cronk: She also said to the committee that she told you the date, that is the June second date, of a court appearance and that the charges involved certain of the board of directors. Did she tell you that?

Hon Ms Gigantes: This was on June 10th.

Ms Cronk: Yes, June second, that she referred to June second.

Hon Ms Gigantes: She did refer to June second, I believe, and I believe she said that they hadn't appeared.

Ms Cronk: She also indicated that she told you that the crown was involved in the charges brought by Sharron Pretty. Did she tell you that?

Hon Ms Gigantes: Yes. I knew that.

Ms Cronk: And you knew that.

Hon Ms Gigantes: Yes.

Ms Cronk: She also indicated that she left you a copy of the resolution to remove Sharron Pretty as a director and you've confirmed that that's the case.

Hon Ms Gigantes: Yes.

Ms Cronk: She indicated to the committee that she told you that she challenged the legality of the board's action in that regard and went on to explain why. Do you remember her telling you that?

Hon Ms Gigantes: Oh, my, I don't recollect that. I must say that when she told me about this motion and showed me the copy of the motion, I was a bit taken aback. This was news to me. So I may not have incorporated everything she told me. She may remember more about that than I do.

Ms Cronk: So you're not saying it didn't happen; you just don't have a present recollection of it.

Hon Ms Gigantes: That's correct; yes.

Ms Cronk: You've indicated that, I take it, it came as some surprise to you, this resolution.

Hon Ms Gigantes: A very unpleasant surprise.

Ms Cronk: Unpleasant in the sense that it was of concern to you?

Hon Ms Gigantes: Yes, it was.

Ms Cronk: Why was that?

Hon Ms Gigantes: I didn't think that it was going to help promote a resolution.

Ms Cronk: Why is that?

Hon Ms Gigantes: Because I didn't think that

Sharron Pretty was going to quietly accept that she be removed from the board of directors, and I did not think that it was going to be easier to find a resolution, if a resolution were possible, if the board of directors were to undertake removal of Sharron Pretty from the board.

Ms Cronk: Would it be fair to say that it carried with it the spectre of the situation becoming worse?

Hon Ms Gigantes: Yes.

Ms Cronk: And the antagonisms between or among the parties accelerating considerably?

Hon Ms Gigantes: Yes, and they were bad enough already.

Ms Cronk: Could I ask you to turn next, if you would, please, to tab 78 of the same book. At this tab, Ms Gigantes, while you're finding it, is a copy of what's described as a background note dated June 15th, 1994. Again, there's a covering memorandum from, in this case, Lisa Heaton to Karen Ridley of your staff. It appears to have been copied to Marc Collins. Do you recall seeing this background note?

Hon Ms Gigantes: Yes, I do.

Ms Cronk: Did you see it before the meeting on June 17th?

Hon Ms Gigantes: Yes, I did.

Ms Cronk: Could I ask you to turn to page 5 of it, please. At page 5, Ms Gigantes, looking at the—did you read it when you got it? Sorry, I should have asked you that.

Hon Ms Gigantes: Yes, I did.

Ms Cronk: I understand you to have confirmed before the June 17th meeting.

Hon Ms Gigantes: Yes, it was.

Ms Cronk: Looking at the entries in the middle of the page dealing with June 16th, 1994, am I right that there appears in that paragraph and the next two paragraphs or so commentary with respect to the outstanding court case or some observations about it?

Hon Ms Gigantes: That is correct.

2010

Ms Cronk: Am I correct that it indicates that, "Summons had been received by all directors to appear in provincial Divisional Court on this date," that being June 16?

Hon Ms Gigantes: That's correct.

Ms Cronk: And further, that the purpose of that was "to respond to charges by Ms Pretty that she has been refused to inspect various corporation documents"?

Hon Ms Gigantes: That's right.

Ms Cronk: And it indicates as well, does it not, the board's response to that position as known to the author, namely, that the board was "adamant that Ms Pretty has been supplied with all information she requested"?

Hon Ms Gigantes: Yes.

Ms Cronk: And it suggests that a log had been kept in that regard?

Hon Ms Gigantes: Yes.

Ms Cronk: And it confirms as well in the second

paragraph below with respect to June 19th what you knew already from your meeting with Trinh Luu, and that was that another special—a meeting of the board of directors had been called for June 19th "for the sole purpose of removing Ms Pretty from her office as a director"?

Hon Ms Gigantes: That's right.

Ms Cronk: And if you could look back to the prior page, page 4 of the background note, the entries dealing with June 3, 1994, include, I suggest, in the last two paragraphs on the page, some comment about the Van Lang board's responses to the allegations that had been made in the Wallace June first Sun article? That's the subject matter?

Hon Ms Gigantes: That's correct.

Ms Cronk: And in the first paragraph it refers, I suggest, to requests for information initiated by Ms Pretty?

Hon Ms Gigantes: Yes.

Ms Cronk: And comments upon the board's view of that; that is, the board of Van Lang?

Hon Ms Gigantes: That's correct.

Ms Cronk: And if we look immediately above that, to the first entry relating to June 3, it indicates that the Van Lang board had a meeting on June the third?

Hon Ms Gigantes: Yes.

Ms Cronk: And that its purpose was to discuss, first, "the complaint filed by Sharron Pretty with the crown attorney alleging she had been denied access to corporation employment and other records"?

Hon Ms Gigantes: Correct.

Ms Cronk: And then, secondly, the meeting was also to discuss the article that appeared in the Ottawa Sun?

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. So what I'm going to suggest, Ms Gigantes, is that by virtue of the contents of this background note with respect to this issue, the case then pending, some of this information had been known to you based on your meeting with Trinh Luu, but there was confirmation in it, first, that the crown attorney was involved with respect to Sharron Pretty's complaint?

Hon Ms Gigantes: Yes.

Ms Cronk: Secondly, that the nature of the complaint concerned an alleged denial of access to corporate information?

Hon Ms Gigantes: Yes.

Ms Cronk: And that that related to the Corporations Act?

Hon Ms Gigantes: Yes.

Ms Cronk: Thirdly, that summonses had been received by all directors to appear in provincial court?

Hon Ms Gigantes: Yes.

Ms Cronk: That there was a court date of June 16th?

Hon Ms Gigantes: Yes.

Ms Cronk: That the board response to that was that she had been supplied with all information she'd requested?

Hon Ms Gigantes: Right.

Ms Cronk: So that it provided information concerning the nature of the case, its status in the court, the involvement of the crown attorney and the—well, we'll stop there; those three matters.

Hon Ms Gigantes: It provided all those things.

Ms Cronk: And it also confirmed what Trinh Luu had already told you, and that is that there was a pending motion to remove Sharron Pretty?

Hon Ms Gigantes: That's correct.

Ms Cronk: Could I ask you to look at tab 79? At this tab, Ms Gigantes, there's a fax cover sheet from Patti Redmond of the deputy minister's office to Brian Sutherland of the Ministry of Housing offices in Ottawa dated June 16th, and attached—I'm sorry?

Hon Ms Gigantes: I don't think—

Ms Cronk: Okay.

Hon Ms Gigantes: From Patti Redmond?

Ms Cronk: Sorry. If you look—

Hon Ms Gigantes: Which tab are we at? Am I at the wrong tab?

Interjection: It's the cover sheet.

Ms Cronk: Tab 79, the cover sheet.

Hon Ms Gigantes: Oh, I'm very sorry. Good, good. Mm-hmm.

Ms Cronk: If you look at the right-hand column, it says that the fax is from Patti Redmond to Brian Sutherland.

Hon Ms Gigantes: Correct, yes.

Ms Cronk: And then if you look at the documents attached to it, can you tell me, have you ever seen them before? There's two memoranda, one from Andrea Baston to Patricia Redmond.

Hon Ms Gigantes: Yes, I saw both of those documents before the meeting of the 17th.

Ms Cronk: All right. Were you, when you went into the meeting on June 17th, handed any documents by Audrey Moey that you now remember?

Hon Ms Gigantes: I heard Audrey discuss that before this committee, and I would not have remembered. I think I have a vague recollection, but I would not have remembered. I would have said no if I hadn't heard her say that.

Ms Cronk: All right. So you're not sure? You're relying on her evidence to comment on that?

Hon Ms Gigantes: No. I think what I'm doing is I'm remembering because she said it, but if you had asked me cold, you know, "Did you receive any documents just as you went into the meeting?" I'd search my mind and I'd say, "I don't think so."

Ms Cronk: All right. Looking at these documents at tab 79, can you tell the committee one way or the other whether it was these memoranda that you received before you went into the meeting?

Hon Ms Gigantes: Quite possible. I believe that I had already seen them, though.

Ms Cronk: Before that?

Hon Ms Gigantes: Yep.

Ms Cronk: All right.

Hon Ms Gigantes: I should explain that staff, my staff have been very conscientious about trying to make sure that if I were supposed to have received something in Toronto and nobody's sure that it actually got into my briefcase when I was leaving Toronto to go back to Ottawa, then they send faxes to make sure that it's available to me in Ottawa. But I think I had already seen these. I think I received them before I left Toronto.

Ms Cronk: And you have—you can't assist the committee any further as to what the document or documents were that were given to you before you went into the meeting; you just don't remember.

Hon Ms Gigantes: Well, if they were faxes, and if they were faxes of this material, it would have been duplicates, as far as I was concerned, I believe.

Ms Cronk: All right. Would I be correct in suggesting to you, Ms Gigantes, that because of what actually happened at the June 10th meeting with Trinh Luu, namely, that although you had expected her to be there, Sharron Pretty was not there, that you then expected her to be at the meeting on June 17th?

Hon Ms Gigantes: No, I did not expect her to be at the meeting at June 17th. I still had in my own mind two groups: one, the complainants, if you want to call them that, and two, the other members of the board. I did not expect to find Sharron Pretty at the second meeting.

Ms Cronk: Did you have any personal knowledge, and I'm not suggesting in any way that you should have, but did you have any personal knowledge of the arrangements that were made by your staff and Ministry of Housing people to set that meeting up on June 17th?

Hon Ms Gigantes: No.

Ms Cronk: Did you know, for example, that—

Hon Ms Gigantes: Well, I knew that it was going to be at the Rideau Centre and that we were going to have a Ministry of Housing official, and I believe I knew that it would be Brian Sutherland. I'm absolutely sure I knew it would be Brian Sutherland. So I can't say I didn't know anything about the arrangements. I did.

Ms Cronk: Did you know, before you went to the meeting on June 17th, that Bill Clement of the Ottawa Ministry of Housing offices had been asked to ensure that all directors of the corporation were given notice of the meeting, including Sharron Pretty?

Hon Ms Gigantes: No.

Ms Cronk: Did you know that a member of your own constituency staff, Audrey Moey, understood that Sharron Pretty was to be there and had herself taken steps to ensure that that in fact took place?

Hon Ms Gigantes: I did not know that.

Ms Cronk: That came as a surprise to you?

Hon Ms Gigantes: Well, a surprise? I knew that somehow my vision of the meetings was different from what happened, so somewhere, somebody had not caught my vision.

Ms Cronk: All right. You said earlier that you'd been

listening to the evidence today.

Hon Ms Gigantes: Yes.

Ms Cronk: I take that to have included Audrey Moey's evidence.

Hon Ms Gigantes: Yes, that's right.

Ms Cronk: And she gave evidence before the committee, as you are, I taken it, then aware—

Hon Ms Gigantes: Yes.

Ms Cronk: —that she, as I took it, actually went out of her way to make sure that Sharron Pretty—

Hon Ms Gigantes: Yes, she did.

Ms Cronk: —got notice of the meeting. Did that come as—

Hon Ms Gigantes: Bless her heart.

Ms Cronk: I'm sorry?

Hon Ms Gigantes: I said, yes she did, bless her heart.

Ms Cronk: Did that come as a surprise to you today when you heard that?

Hon Ms Gigantes: Well, I knew somebody had a different vision of what these meetings were going to be than I did, but I didn't know that Audrey had taken special care to make sure that Sharron was at the second meeting.

Ms Cronk: All right. Should the committee then conclude, based on your recollection of events, that whatever your intentions with respect to the attendance of Sharron Pretty at the meeting, they didn't get communicated to your constituency office, Audrey Moey, because we saw that she—

Hon Ms Gigantes: Yes.

Ms Cronk: —took the extra effort to get Sharron there—

Hon Ms Gigantes: That's correct.

Ms Cronk: —and certainly the Ministry of Housing people didn't seem to know that, because Bill Clement was making sure she was there too, or had been asked to take steps to ensure that all directors received notice.

Hon Ms Gigantes: Yes, that's correct.

Ms Cronk: All right. I'm going to suggest, Ms Gigantes, to you, and I'd ask you to confirm then, what the state of your information was as you walked into that meeting on June 17th.

Hon Ms Gigantes: Yes.

2020

Ms Cronk: May I ask you first: During the week following upon the meeting with Trinh Luu before you went to the meeting on June 17th, and accepting that your understanding of the meeting or your expectation was that Sharron Pretty would not be there—

Hon Ms Gigantes: That's correct.

Ms Cronk: —did you seek advice during that week from your political advisers as to whether you should or whether it was advisable to proceed with the meeting on June 17th, given what you'd learned from Trinh Luu?

Hon Ms Gigantes: No, there was nothing I learned from Trinh Luu which was different in the sense of the difficulties that might or might not be associated with

legal proceedings, and so I certainly didn't seek any advice about that, and in terms of Ministry of Housing issues, nothing had changed.

The one difference coming out of the June 10th meeting, to me, was that we now were confronted with the issue of the potential removal of Sharron Pretty as a member of the board of directors, and I was uninformed about what would be required to remove a member of a board of directors in that kind of organization.

Ms Cronk: As a matter of law, as a procedure?

Hon Ms Gigantes: That's correct.

Ms Cronk: Right.

Hon Ms Gigantes: And so when I came back to Toronto I immediately sought information on that subject and learnt eventually by this memo, the second memo that you see, "Removal of a Director," it's called—

Ms Cronk: You're referring to the second memo at tab 79.

Hon Ms Gigantes: Right, which essentially told me that the way they were proceeding was within the law.

Ms Cronk: The first memo at tab 79 concerns the status of the court application in relation to Ms Pretty's allegations.

Hon Ms Gigantes: Yes.

Ms Cronk: Correct?

Hon Ms Gigantes: Yes, and a description of the legal basis for the action.

Ms Cronk: And it specifically mentions that the case was "a prosecution in provincial court (criminal division) under section 304 of the Corporations Act."

Hon Ms Gigantes: That's correct.

Ms Cronk: And it specifically indicates what the potential liability or penalty was upon a conviction for an offence of that kind?

Hon Ms Gigantes: "Up to \$200."

Ms Cronk: Yes, and it specifically mentions the nature of the case, that is, denial of access to certain kinds of documents.

Hon Ms Gigantes: That's correct.

Ms Cronk: And the second memo is specifically concerned with what's involved procedurally in bringing about the removal of a director of a non-profit corporation?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. Going into the meeting on June 17th, Ms Gigantes, you knew, did you not—and again leaving aside the merits of it—you knew that issues relating to access to information had been raised by Sharron Pretty for many months.

Hon Ms Gigantes: They had.

Ms Cronk: Because that was evident indeed in her early correspondence directly to you and in subsequent letters to Brian Sutherland.

Hon Ms Gigantes: That is correct.

Ms Cronk: And is it not also the case that in the spring, in the letters to Brian Sutherland and in some of the concerns being expressed by Trinh Luu, the response

of the Ministry of Housing to their concerns was being raised as well.

Hon Ms Gigantes: Oh, yes.

Ms Cronk: All right. And that was not just with respect to the adequacy, in their view, of the compliance report but also with respect to how Ministry of Housing people were responding to these various other issues, including the access-to-information issue.

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. Is it then the case that when you went into the meeting on June 17th, you knew that there were multiple charges pending in the provincial court (criminal division)—stop there for a moment.

Hon Ms Gigantes: Yes.

Ms Cronk: Is that right? And you knew that they had been initiated by Sharron Pretty and that they involved directors of the Van Lang Centre, all of whom had received summonses?

Hon Ms Gigantes: Yes.

Ms Cronk: You knew the nature of the charges in the sense of the act in respect of which they'd been brought, the Corporations Act, and the fact that it involved allegations of alleged denial of access to information.

Hon Ms Gigantes: That's correct.

Ms Cronk: You knew the crown attorney was involved.

Hon Ms Gigantes: I did.

Ms Cronk: You knew that there was a court date scheduled for the day immediately preceding the meeting, June 16th.

Hon Ms Gigantes: That's correct.

Ms Cronk: You knew that at least two court appearances, then, had been involved: the June second one referred to at the meeting with Trinh Luu and the June 16th one reported upon in the background note.

Hon Ms Gigantes: I should note, and I know that you will agree—you're asking me what I knew immediately going in. I also knew that the court date of the 16th had led to a further court date being fixed about that hearing.

Ms Cronk: Thank you. I was going to ask you that.

Hon Ms Gigantes: Right.

Ms Cronk: So you knew there was a further court date coming up?

Hon Ms Gigantes: Yes.

Ms Cronk: And did you know the date or the timing of that?

Hon Ms Gigantes: Yes, I did. I don't remember it right now, but I did know it then and it was a few weeks later.

Ms Cronk: And you also knew that it wasn't a civil case.

Hon Ms Gigantes: I knew that.

Ms Cronk: All right. In those circumstances, would you agree with me, Ms Gigantes, that in respect of those charges the justice system had been engaged?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: The process had been triggered?

Hon Ms Gigantes: Yes, it had.

Ms Cronk: Would you agree with me also that in those circumstances, the gravity or the frivolity of the charges was totally irrelevant?

Hon Ms Gigantes: Absolutely.

Ms Cronk: And would you also agree with me that in those circumstances, the merits of the charges was totally irrelevant?

Hon Ms Gigantes: Absolutely.

Ms Cronk: And that the potential penalties upon conviction was equally irrelevant?

Hon Ms Gigantes: Quite correct.

Ms Cronk: What's important in the circumstances is that the administration of justice process had been triggered, was engaged—

Hon Ms Gigantes: That's correct.

Ms Cronk: —and the matter was pending before a criminal court?

Hon Ms Gigantes: That's correct.

Ms Cronk: All right. Did you in those circumstances seek legal advice? Please don't tell me what it was if you did, but did you seek legal advice from any source as to whether you should carry forward with that meeting on June 17th, recognizing that—

Hon Ms Gigantes: No, I did not.

Ms Cronk: Okay—recognizing that you knew at least that a number of people who were involved in those charges were going to be at that meeting, namely, a number of directors from the Van Lang Centre?

Hon Ms Gigantes: No, I didn't. But you will see that I did receive legal information and I fully believe that had our legal branch felt there was a need to provide me with legal advice further than this information, they would do it. They aren't shy.

Ms Cronk: Mm-hmm. In fairness to you, did any member of your political staff suggest to you that you should get advice on the issue, not just of the status of the case and its nature, but on the advisability of going into a meeting, given the case? Did anybody say to you, "Let's get some advice on this"?

Hon Ms Gigantes: I don't recollect anybody saying this. But let me repeat: My experience at the Ministry of Housing is that the legal branch, in a situation where they have concerns, will give it whether it's asked for or not.

Ms Cronk: Did they in this case?

Hon Ms Gigantes: No, they did not. You see the memo which was provided me on June 16th.

Ms Cronk: It doesn't deal with it.

Hon Ms Gigantes: No.

Ms Cronk: Ms Gigantes, you'll understand that I'm obliged to ask you some of these questions because it relates to the issue of one of the allegations of breach of the conflict guidelines this committee is dealing with—

Hon Ms Gigantes: Oh, yes.

Ms Cronk: —and that is whether you should have been at the meeting. Would you agree with me that given what you knew about the court case—and let's leave

aside your personal knowledge—that in those circumstances, knowing the nature of the case, what was involved, that it was in provincial court (criminal division), that that kind of knowledge would require even an ordinary citizen to be careful in suggesting, in any way, to parties involved in those proceedings that criminal charges should be withdrawn, dropped, or that consideration should be given to retreating from carrying on with those charges? Do you understand what I'm saying?

Hon Ms Gigantes: No, I'm afraid I don't.

Ms Cronk: Okay, I've put it badly. What I'm saying is, there's a state of facts that existed as at June 16th, and that involved the nature of the case, the involvement of the crown attorney, the fact that it was the provincial court (criminal division) and essentially the engagement of the process of the administration of justice—

Hon Ms Gigantes: Yes.

Ms Cronk: —and that in those circumstances any citizen must exercise care to refrain from suggesting that a party to those proceedings drop those kinds of charges or withdraw them. I'm not saying that you did that in this case. I'm just saying that in those factual circumstances any citizen must be very careful not to make that kind of a suggestion. Would you agree with me?

Hon Ms Gigantes: Well, I must say I haven't thought of it in terms of any citizen. I certainly have thought about it in terms of my responsibilities in government, and indeed as an elected representative previous to government, but no, I have not considered it in terms of any citizen.

Ms Cronk: All right, then let's deal with it just in terms of ministerial responsibility given—

Hon Ms Gigantes: Right.

Ms Cronk: —and what the requirement is for someone who is a member of Parliament.

Hon Ms Gigantes: Yes.

Ms Cronk: All right. I'm suggesting to you that the standard's even lower, arguably, on that set of facts, but let's talk about it for a minister of the crown.

Would you agree with me that given those facts that a minister of the crown, particularly, must exercise great care not to suggest to anyone that they withdraw those kinds of charges, refrain from proceeding with them or in any way drop them, that that's the kind of suggestion that cannot be made?

Hon Ms Gigantes: I agree completely.

Ms Cronk: All right. Would you agree with me as well that the reason that that is the case is the pure and simple fact that the process of the administration of justice has been engaged?

Hon Ms Gigantes: Absolutely.

2030

Ms Cronk: Regardless of the seriousness of it, the potential penalties, the frivolity of it, all that doesn't matter. The fact is it's before the courts, and it's before, in this case, the provincial court (criminal division). It's that simple.

Hon Ms Gigantes: It is that simple, in my mind.

Ms Cronk: All right. Would you agree with me that, given that, a minister of the crown must exercise similar caution in making any suggestion that a party might consider withdrawing from that kind of a proceeding or taking steps to cause it to be withdrawn in exchange for some other action by the other party to the proceedings that would be beneficial to them?

Hon Ms Gigantes: Well, that's a lot to take under consideration. Rather than try and answer that, perhaps if I could try and explain how I feel about it specifically. I think that every person who goes to the justice system in Ontario has a right to expect that that justice system will treat them and their issues with absolute—how can I say it?—absolutely straightforwardly and on the merits of their case.

I also believe that from time to time in life legal actions get undertaken which exacerbate situations rather than leading to a resolution which might in some cases be more helpful to the party which initially undertook them. It certainly is the case, in my experience, that people will take out a legal proceeding and then withdraw from it, having thought about it. I've certainly known cases like that. If you're asking me whether I think it's important that a minister of the crown not try and pressure somebody to do that, I sure do.

Ms Cronk: That would be totally inappropriate, correct?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. That wasn't what I was suggesting, and I'm grateful for the context of your view of this.

Hon Ms Gigantes: Okay.

Ms Cronk: What I'm saying to you is a little bit different. You've agreed with me that in the circumstances that I've described, with that kind of a legal action, not a civil suit, all right—

Hon Ms Gigantes: Right.

Ms Cronk: —where the administration of justice is engaged—

Hon Ms Gigantes: Oh, yes, that's right.

Ms Cronk: —I believe you've agreed quite unequivocally—

Hon Ms Gigantes: Yes.

Ms Cronk: —that a minister of the crown must exercise great caution in suggesting that a party to that kind of proceeding withdraw charges, drop them or take steps to have them stopped. That's something to be very careful about.

Hon Ms Gigantes: Absolutely.

Ms Cronk: What I'm suggesting to you is that isn't it also true that taking any step as a minister of the crown in that situation which would have the effect of suggesting that charges of that kind might not proceed in exchange for the person who initiated or caused the charges in the first place receiving some benefit or having some action taken or not taken which would be in their interest would be equally problematic, that a minister of the crown must exercise great caution not to be making that suggestion?

Hon Ms Gigantes: Absolutely.

Ms Cronk: Would you agree?

Hon Ms Gigantes: Well, never to make the suggestion that somebody should think about whether they want to proceed in a case where they've lodged a complaint which has been taken up by the crown when their concern can be resolved in another way, never to suggest that? I don't know. I don't know.

Ms Cronk: We'll come to the exact specifics of the meeting, but you and I know what we're talking about here—

Hon Ms Gigantes: Yes, I think we do.

Ms Cronk: —and I'm trying to make my questions clear. Do you see a distinction in that context between a civil proceeding and one initiated that involves the crown and the criminal division of the provincial court?

Hon Ms Gigantes: Yes, there is.

Ms Cronk: All right. Would you accept from me and do you agree with me that attempting to resolve by mediation or otherwise a civil proceeding that someone has initiated is not only an everyday occurrence but given our current court system a desirable objective?

Hon Ms Gigantes: Yes, indeed.

Ms Cronk: We won't get into it, but some people even suggest that it's now an obligation of counsel to have that pursued at a very early date, but that, you'd agree, is fundamentally different, is it not—

Hon Ms Gigantes: It is a different thing.

Ms Cronk: —than suggesting any form of settlement or abandonment of proceedings that involve the engagement of the administration of justice in a criminal division of the provincial court?

Hon Ms Gigantes: It is a different thing.

Ms Cronk: All right. And what I'm suggesting to you—and I do not say, Ms Gigantes, that you did this. I'm going to ask you what was said at that meeting and what you intended to say and what you in fact said, but the proposition that I'm putting to you is that a minister of the crown, for all of those reasons, must be extraordinarily scrupulous to avoid the suggestion of settlement of proceedings of that kind where the process of the administration of justice has been engaged, settlement in the sense of one side receiving one thing and the other receiving another. You've got to be very careful about that.

Hon Ms Gigantes: I agree totally.

Ms Cronk: All right. In that context, can we turn to the meeting of June 17th, and may I ask you to look at notes which the committee has been told by Audrey Moey were prepared by her. The committee has heard that Ms Moey accompanied you to the meeting on June 17th. Was that correct?

Hon Ms Gigantes: Yes, she did. Now, she was at the meeting.

Ms Cronk: Sorry. I don't mean she went with you.

Hon Ms Gigantes: Right.

Ms Cronk: And in addition, in attendance, the committee has heard were Brian Sutherland, obviously yourself, Sharon Pretty, Beverlee Bell and four directors

of the Van Lang Centre, namely, Drs Tang, Truong, Le and Mr Nguyen. Is that information correct?

Hon Ms Gigantes: Yes.

Ms Cronk: All right. And you've indicated that you did not expect Sharron Pretty to be at the meeting on June 17th.

Hon Ms Gigantes: That's right.

Ms Cronk: Did anyone inform you before you got there that she was coming to the meeting, or did you just see her there?

Hon Ms Gigantes: I came into the room, and she was there, and nobody else in the room seemed the least bit surprised.

Ms Cronk: I see, but you certainly were, based on what you told me.

Hon Ms Gigantes: I was surprised. I didn't apparently let it show.

Ms Cronk: Okay. And the committee has been told that Ms Moey prepared notes of the meeting and that a variety of other people did, but not as it happens in as fulsome a detail. Do you remember Ms Moey making notes at the meeting?

Hon Ms Gigantes: Oh, yes. She was—I think she was seated to my immediate right.

Ms Cronk: At the meeting.

Hon Ms Gigantes: Yes.

Ms Cronk: All right. And could I ask you to look at tab 81, I'm sorry, volume 3, exhibit 1.

Hon Ms Gigantes: Volume 3, exhibit 1, tab 81.

Ms Cronk: Tab 81.

Hon Ms Gigantes: Yeah.

Ms Cronk: And I just want to ask you first if you've read a number of these documents, because I want to make sure that you have before I ask you questions about them.

Hon Ms Gigantes: Yes.

Ms Cronk: Have you read the notes that appear at tab 81?

Hon Ms Gigantes: I have.

Ms Cronk: And do you understand them to be notes prepared by Audrey Moey at the meeting?

Hon Ms Gigantes: Yes.

Ms Cronk: There are notes that appear at tab 82. The committee's been told that they're Dr Tang's. Did you have a chance to read those before today?

Hon Ms Gigantes: I looked at them.

Ms Cronk: Okay. And at tab 83, handwritten notes prepared by Brian Sutherland, the committee's been told.

Hon Ms Gigantes: Right.

Ms Cronk: And at tab 84, by Dr Le.

Hon Ms Gigantes: Yes.

Ms Cronk: And at tab 85, notes by Sharron Pretty.

Hon Ms Gigantes: Right.

Ms Cronk: Did you have a chance to review all these?

Hon Ms Gigantes: I did.

Ms Cronk: The committee also has before it, and I'll come to it in due course, a press statement, as she calls it, by Sharron Pretty at tab 86. Did you have a chance to read that?

Hon Ms Gigantes: Yes.

Ms Cronk: And what she describes as a second press statement, June 23rd, at tab 87.

Hon Ms Gigantes: Correct.

Ms Cronk: Did you also review typewritten notes prepared by Brian Sutherland on or about July 14th?

Hon Ms Gigantes: No.

Ms Cronk: In preparing for the hearing today—

Hon Ms Gigantes: No. I didn't look at them.

Ms Cronk: I see. Tab 103.

Hon Ms Gigantes: Well, I haven't looked at them.

Ms Cronk: Right. These are the notes I'm referring to. You've not read them.

Hon Ms Gigantes: No. No, I haven't.

2040

Ms Cronk: All right. Then dealing with the events at the meeting, Ms Gigantes, the committee has heard that a variety of topics were discussed.

Hon Ms Gigantes: Yes.

Ms Cronk: The committee has also heard that there were introductory remarks made both by yourself and by one of the directors, Dr Tang.

Hon Ms Gigantes: Yes.

Ms Cronk: Does that accord with your recollection?

Hon Ms Gigantes: Yes, it does.

Ms Cronk: Could you outline for the committee to the best of your recollection what you indicated in your introductory remarks at the meeting?

Hon Ms Gigantes: I thanked them for being willing to meet with me. I told them that I was familiar with many of the issues that had proven difficult for Van Lang over many months. I referred to the compliance report. I told them that I knew of the motion to remove Sharron Pretty from the board. I told them that I knew that there were charges under the Corporations Act which had been initiated by Sharron Pretty against other board directors. I believe, if I did not tell them right then, I certainly indicated to them near the beginning of the meeting that I'd had discussions the previous week with Trinh Luu. I believe that's how I began my introductory remarks.

Ms Cronk: All right. So that, just to be clear—

Hon Ms Gigantes: And I also indicated to them that my hope was that I might hear from the members of the board, that we might have some discussion of the issues and that I might be able to assist.

Ms Cronk: Thank you. So that I'm clear, then, among the introductory remarks that you made, you informed the people present, essentially—I take it you were indicating to them what your awareness was of the circumstances.

Hon Ms Gigantes: I tried to do that.

Ms Cronk: All right. And one of the things that you indicated to them was that you were aware of the

removal motion with respect to Sharron Pretty. You've said that that's one of the things you told them.

Hon Ms Gigantes: Yes, I believe that I did that up front.

Ms Cronk: And one of the other things that you told them was that you were aware of the legal action involving Sharron Pretty?

Hon Ms Gigantes: Yes.

Ms Cronk: And was there any further discussion about either of those items at the outset of the meeting?

Hon Ms Gigantes: No. We went right into the issues, and the slanging and difficulties began.

Ms Cronk: What was the second thing you said? The "slinging"?

Hon Ms Gigantes: Slanging, yes.

Ms Cronk: What's that mean?

Hon Ms Gigantes: It may be an Ottawa Valley expression, but it means—

Mr Callahan: I think we got it. I think we got it.

Ms Cronk: I'm not sure I do. What does "slinging" mean?

Hon Ms Gigantes: It means that you're taking verbal swipes at each other.

Ms Cronk: Is that how the meeting proceeded?

Hon Ms Gigantes: Yes, there was a fair amount of that on several issues, and we did have very—we had some very tense moments. We had some very difficult moments. There were points at which I felt the meeting was just going to break down and everybody would get up and slam out of the room. But we did—I did try and keep people focused. In fact, I can recollect using the word—"Let us try," you know, "focused," "focused," "Can we get focused?"—several times.

We discussed the personnel questions, including the superintendent. The superintendent has been a lightning rod for difficulties at Van Lang for months, months and months, and the rows around the competency of the superintendent and the role of the superintendent and the leave of the superintendent and the language capabilities of the superintendent and whether the superintendent was hired under false pretences and whether—this has gone on for months and months and months. So when we discussed this, we got into a discussion of the compliance report.

Ms Cronk: All right. Could I stop you there just for a moment? If you feel you need to elaborate on this aspect of the meeting, please tell me, but would it be fair to suggest that there were a number of issues and areas of difference between the parties discussed at the meeting?

Hon Ms Gigantes: Yes. One of the things I want to do is to find the opportunity, and if I could I'd take it now, to indicate to members of the committee something which I don't believe anybody else has indicated, which is that we did achieve agreement on a couple of major items.

One was personnel, and the fact that, I believe since Trinh Luu left in the fall of 1993, there had not been a

full-time project manager. There had before that I believe been four project managers in the space of 18 months. I believe that was indicated in the compliance report.

And in the discussion around the superintendent—the pay of the superintendent, the role of the superintendent, the fact that the superintendent's work had had to be supplemented by a contract with an outside firm to provide preventive maintenance in order to ensure that there was adequate service provided physically to the building—around that discussion, the board, finally, in the person of Dr Truong, said, "If you think we should hire a project manager full time"—and this had been a battle back and forth between Sharron Pretty and members at the meeting, and I had raised questions and cited Trinh Luu. He said, "If you feel we should hire a full-time project manager, we will do it. Would that help?" and Brian Sutherland and I both, I believe, indicated that it might very well help at this stage.

The second area of agreement was the issue which was one of the issues that Sharron Pretty and Trinh Luu had called core issues/core housing issues. It was the issue of tenant placement and whether there was reverse discrimination going on and whether there was adequate working relations in terms of referral from the Ottawa-Carleton Regional Housing Authority in the deep-core sector of the building.

There was an agreement reached—and this goes after much discussion with Sharron Pretty involved vigorously and other people involved vigorously—that it would be acceptable to other board members if Sharron were provided on a regular basis with information that would allow her to monitor the vacancies and the referrals and the placements. They all came to an agreement on that.

Once we had achieved that, then the theme that I had been trying to bring forward at the beginning of the meeting, which frankly I didn't have an awful lot of hope for at the beginning of the meeting, started to look possible to me. I had said to them: "Can we put the past behind? Can we try and settle where things are at now?"

I thought it was a possibility that because Sharron Pretty hadn't been at major portions of recent board meetings, she was not up to date on some of the issues that she continued to raise. So I said, "Is it possible that we can find out where things are at now and try and get an understanding about that, so that if there is a sense of understanding about what's been achieved, what progress has been made, what has changed, what improvements have gone on, then perhaps it's possible to talk about working together in the future."

And in the course—several times during the meeting I raised that theme, and I began to feel, after we had had agreement on those two major points, that it's possible, that we might be getting near to the point where that might be a possibility, and in that context, I kept using the phrase, "Can we just try and think about leaving all actions against each other aside?" I used that phrase several times.

Ms Cronk: Which phrase?

Hon Ms Gigantes: Stopping all actions.

Ms Cronk: What did you mean by that?

Hon Ms Gigantes: I meant by that actions such as the motion to remove Sharron Pretty, the charges brought forward by Sharron Pretty, the public accusations by Sharron Pretty. I did not specify what I meant.

2050

Ms Cronk: Did anyone ask you?

Hon Ms Gigantes: No. People did not ask me except when we got very close to the point where, having reached some agreement, I began to suggest that perhaps the way to get a resolution was to—it was clear we weren't going to be able to go through issue by issue during this meeting—that we think of another option, which would be to have another meeting where those issues—I asked Sharron, you know: "Are the issues of tenant participation and tenant access," which involves the placement, the vacancy question and so on, "Are those your key issues? Are those the two that are the major outstanding problems, as far as you're concerned?"

Ms Cronk: And just, if I could interrupt you—

Hon Ms Gigantes: Yes.

Ms Cronk: Just on that issue, what was her response?

Hon Ms Gigantes: Her response was yes.

Ms Cronk: All right.

Hon Ms Gigantes: And everybody in the room understood that.

Ms Cronk: I'd like to ask you some questions about where you'd gotten so far in the meeting. All right?

Hon Ms Gigantes: Yes.

Ms Cronk: I'd asked you a few moments ago whether at any point during the introduction that you'd made there was further elaboration by you or discussion of the legal action that you were aware of involving Sharron Pretty. Do I take from what you've just said that there wasn't, that there was simply an indication by you that you were aware of it?

Hon Ms Gigantes: Yes. Now, that's on my part. I do believe that there was an outburst at one point by one of the other members of the board, not Sharron Pretty, around the fact that she had initiated charges, but it was just an outburst, and I don't really remember where it came from, who it came from.

Ms Cronk: And was that towards the beginning of the meeting?

Hon Ms Gigantes: It wasn't towards the end, in my recollection.

Ms Cronk: Did it, when it occurred, whoever caused it, generate any discussion of the issue or did people just move on?

Hon Ms Gigantes: There were sparks that flew. This was a meeting which was extremely volatile, in my view, and I've heard testimony that the committee has heard earlier that people said it wasn't—they didn't feel tension. Well, I sure did. Maybe—well, I sure did. It was a very tense meeting for most of the meeting, and then slowly, as we started to achieve some agreement on the issues that I mentioned, then the possibility of reaching further agreement in a further meeting became the option that I presented.

Ms Cronk: And for you, did the tension recede a bit at that point?

Hon Ms Gigantes: No, because there wasn't immediate agreement and there'd be another outburst of give and take, take and give.

Ms Cronk: May I ask you this, Ms Gigantes? Given the volatility of the meeting, given the history of disputes among these parties which you were certainly aware of—

Hon Ms Gigantes: I was.

Ms Cronk: And you were aware that it had been going on for a very long time.

Hon Ms Gigantes: That's correct.

Ms Cronk: Given what you knew of the legal case—

Hon Ms Gigantes: Yes.

Ms Cronk: —did you, when you walked into that meeting, perceive that you were walking into a risky situation, risky in the sense of what you appropriately could discuss and what you could not discuss?

Hon Ms Gigantes: I had very clearly in my mind that there were issues around the court action which were extremely sensitive, delicate and had to be carried very carefully.

Ms Cronk: And you recognized that going into the meeting?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: Did it occur to you going into the meeting, given those factors, Ms Gigantes, that this might be a meeting that, although you weren't precluded from having, that it might be inappropriate to have?

Hon Ms Gigantes: I felt not. I felt rather, and quite the opposite, that it was my responsibility at this stage, given all the things that had happened, including the public attack, not so much the—in my mind, not so much the laying of the charges but the, if I can say, insult that was implied by the allegations which Sharron Pretty had made to the media about the corporation.

Ms Cronk: There's no doubt, is there, that you went to that meeting in your ministerial capacity?

Hon Ms Gigantes: Oh yes, I did.

Ms Cronk: All right. Walking into the meeting, was it your intent to attempt to have the parties come to some resolution of their differences, if that could be achieved?

Hon Ms Gigantes: No, not walking in. Because walking in, I didn't expect Sharron Pretty to be there, so I certainly didn't conceive of the meeting as it unfolded.

Ms Cronk: Had you known that Sharron Pretty was going to be at that meeting, would you have embarked on it?

Hon Ms Gigantes: Well, I knew when I embarked.

Ms Cronk: Well, had you known in advance that Sharron Pretty was going to be there? Your expectation was that she wouldn't be there.

Hon Ms Gigantes: I, frankly, would not have expected it to have been productive.

Ms Cronk: Do I take from that that you likely would not have engaged in the meeting?

Hon Ms Gigantes: I would not have set it up that

way because I didn't think that at that stage it was going to be productive.

Ms Cronk: Another way for me to put the proposition to you, and I'm seeking your view on it—

Hon Ms Gigantes: Yeah.

Ms Cronk: —is, was the presence or absence of Sharron Pretty at that meeting a significant factor in your mind?

Hon Ms Gigantes: Oh yes, because it changed the nature of the meeting.

Ms Cronk: Exactly.

Hon Ms Gigantes: It meant that I was not listening to the point of view of the other board members, which is what I had expected, but I was into a meeting that involved the two sides of the dispute and therefore it was a meeting where whatever assistance I was going to be able to offer would have to be offered to both sides at once and I would have to hear both sides at once too.

Ms Cronk: Would you also agree with me that the fact of her presence, although unanticipated by you, made it an even riskier situation in terms of your ability to discuss issues with the parties?

Hon Ms Gigantes: No, because most of the issues we've discussed had nothing to do with anything that touched on legal matters.

Ms Cronk: Was it in your mind, or did you consider when you saw that Sharron Pretty was there, that there were issues that should not be discussed? Did that occur to you?

Hon Ms Gigantes: Well, I was certainly sensitive during the meeting to the fact that any discussion involving the court case was something that was going to have to be very carefully bounded.

Ms Cronk: During the course of the meeting, at any point did you indicate to the parties that there were some issues that were off bounds for discussion and some that could be discussed, or did you just see how the meeting unfolded?

Hon Ms Gigantes: I didn't put any rules down as a starting point, but I did say at several points when discussion—but this didn't have to do with legal proceedings—when discussion got very heated that it was important for people to back off, that it was important for people to try and stop attacking each other, basically, though I didn't use that phrase, but to try to focus on the issues and see if we could find some resolution to some of these issues.

Ms Cronk: Could I ask you to look at tab 81?

Hon Ms Gigantes: Yes, I have it here.

Ms Cronk: And specifically page 4 of Ms Moey's notes.

Hon Ms Gigantes: Yes.

Ms Cronk: These notes suggest, Ms Gigantes, that at one point as the meeting progressed and, according to the sequence of the notes, well into the meeting, that you said the following to the board, and I'm looking at three paragraphs from the bottom, the remarks attributed to you, marked by "Ev," to the board, "Can these things be

resolved without legal proceedings and removal of directors?"

Hon Ms Gigantes: Mm-hmm.

Ms Cronk: Did you make that inquiry of those in attendance at the meeting?

Hon Ms Gigantes: I believe I did.

Ms Cronk: With respect to legal proceedings, were you referring to those commenced by Sharron Pretty?

Hon Ms Gigantes: Yes, and some that might be anticipated.

Ms Cronk: Did you think there were others that might be anticipated in that regard?

Hon Ms Gigantes: Yes, I did.

Ms Cronk: With respect to the removal of directors, I take it you were referring to the pending motion to remove Sharron Pretty as a director?

Hon Ms Gigantes: Yes, I was.

2100

Ms Cronk: It's been suggested, Ms Gigantes, as I'm sure you're aware, by Sharron Pretty that during the course of that meeting you said to her not once, but several times, that she should either drop her charges or consider dropping the charges.

Hon Ms Gigantes: No, I did not say that and I did not use that language.

Ms Cronk: At any point in the meeting?

Hon Ms Gigantes: At any point in the meeting.

Ms Cronk: May I ask the question this way: At any point in the meeting, did you use the phrase, "drop the charges," or "dropping the charges"?

Hon Ms Gigantes: I used neither phrase at any point in the meeting.

Ms Cronk: Did anyone else?

Hon Ms Gigantes: She may have used it. Let me think back. Because there was a point at which, when I said again, and I repeated this several times during the meeting, "If the people on the board could stop all actions against each other, stop taking actions against each other," she said, "I can't stop the court action; it's out of my hands," and I said—I think she said, "It's in the hands of the crown," or "the prosecutor"—I don't remember, and I said: "I agree, but if you were to come to an understanding about the issues of concern to you at Van Lang and you were to come to the position where you felt that those issues had been resolved and if you were to indicate that to the crown, that might be of interest. I don't know if the crown would choose to proceed in those circumstances. I don't know."

So it may be that she may have used the phrase, "dropping the charges" then, but I don't believe so and I certainly did not.

Ms Cronk: When you said to her, "If you were to come to an understanding that the issues were resolved and indicated to the crown, the crown might be interested in that," what did you mean by that?

Hon Ms Gigantes: I meant by that I expected that she would be a witness to the court proceedings which had been lodged, and that if she were to indicate, as a witness

to the crown—I assumed that as a witness she would be in contact with the crown in the case. If she were to indicate that she felt that the issues that had concerned her were resolved, it might be of interest to the crown, but I also indicated that I didn't know whether the crown would wish to proceed or would decide to proceed or continue to proceed under those circumstances, and I don't.

Ms Cronk: Did you propose at the meeting that the parties have another meeting—

Hon Ms Gigantes: Yes, I did.

Ms Cronk: —to try to reach a resolution?

Hon Ms Gigantes: Yes.

Ms Cronk: And you're aware, I take it, Ms Gigantes, that it's alleged, in connection with that proposal, that you said to the parties at the meeting on June 17th that were that further meeting to occur, and if the parties could reach a resolution of their differences at that meeting, Ms Pretty might withdraw her charges and the board refrain or postpone from removing her as a director.

Hon Ms Gigantes: No.

Ms Cronk: Did you make that suggestion at any time at the meeting?

Hon Ms Gigantes: No, I did not, but we did have a discussion of her status as a board member and it was around the same point in the meeting when we had the discussion about the actions, the legal actions being in the hands of the crown, not in the hands of Sharron Pretty. She said she wasn't interested in a situation in which she would have other board members defer a motion to remove her because it only meant another month in her term anyhow.

I responded to that and I said to her: "Well, this is something that you will want to think about or you may want to think about, because I don't know if you wish to continue on this board. But if you want to think about that and if you decide you do, then it might be that other members of the board would be pleased to have you continue as a director. I don't know. People change their minds." I remember specifically saying, "People change their minds."

Ms Cronk: And what reply, if any, did Ms Pretty make to that?

Hon Ms Gigantes: Well, in fact it was at that point in the meeting where again I suggested: "Is there the possibility here that we could look at this other option, that we could look at having a meeting that was devoted specifically to the two major areas remaining that everybody agrees still need further discussion? Is this a possibility that this could be helpful?"

Ms Cronk: Was there an agreement reached on the proposal to have a further meeting?

Hon Ms Gigantes: I suggested it at that stage in the meeting a couple of times. I asked the question, "Is this possible?" and some of the board directors said yes and Sharron said yes.

Ms Cronk: So there was agreement—

Hon Ms Gigantes: There was agreement.

Ms Cronk: —reached on the meeting.

Hon Ms Gigantes: And there was a palpable feeling of relief in the room.

Ms Cronk: Once agreement had been reached as to the meeting, was there discussion as to possible outcomes of that meeting?

Hon Ms Gigantes: No, and in fact what happened next was, people started—we all sort of giggled. There was such a change in the atmosphere in the room that you could physically feel it.

Ms Cronk: Ms Gigantes, can I just be very clear of your answer on this?

Hon Ms Gigantes: Yep.

Ms Cronk: Was there, once agreement had been reached on the proposal which I take came from you to have a meeting, and you've confirmed there was agreement on that—

Hon Ms Gigantes: Yes.

Ms Cronk: Was there any discussion whatsoever about potential outcomes of that meeting?

Hon Ms Gigantes: No, not outcomes. We did discuss how the meeting might occur, because she held back a bit and said, "Well, I'm not—" and I said I was volunteering somebody from the Ministry of Housing and asking Brian, if that was okay and he said yes, to attend the meeting, and she said that wasn't enough, they hadn't had enough help from the Ministry of Housing. So I suggested somebody from ONPHA might join the meeting as a facilitator, and she seemed pleased with that idea. But we didn't discuss outcomes of the meeting.

Ms Cronk: All right. Ms Gigantes, I'm obliged to put to you the evidence of a number of other witnesses.

Hon Ms Gigantes: Yes.

Ms Cronk: It has been suggested before the committee that when an agreement was proposed, when the option—I'm sorry—when the option of a meeting was proposed, there was discussion of potential outcomes of that meeting, and there is evidence before the committee from some that in that context it was suggested by you that if that meeting proceeded and there was a resolution to Sharron Pretty's satisfaction, or it looked like issues to her satisfaction might be resolved, then she might consider withdrawing her charges or speaking to the crown about that, and the board, on the other hand, might not have to proceed with removing her as a director. Now, was that or was that not discussed at the meeting?

Hon Ms Gigantes: No, not in that kind of framework. We did discuss her removal as a director. We discussed the fact that the court case was not in her hands. What I suggested was that if she were satisfied by a meeting, it seemed to me something that she would end up saying in the course of her dealings with the crown, and I didn't know whether the crown would want to go ahead at that stage, and I told her I didn't know.

Ms Cronk: Well, leaving aside what the crown might or might not do, did you at any point in that meeting suggest or identify for those at the meeting a possible outcome of the further meeting which you had proposed which contemplated the possible withdrawal by Ms

Pretty, on the one hand, of her charges, or speaking to the crown about that, and the board refraining from removing Ms Pretty as a director?

Hon Ms Gigantes: Well, certainly everything that I was doing in the discussion implied that if things were going to progress and if a meeting was going to work, I suggested very strongly to them that stopping actions against each other—and those were the terms I used—was going to be important. And the meeting, in the way I was proposing it, was one way to get to the point where there might be enough understanding so that people would stop taking actions against each other.

2110

Ms Cronk: I understand, and I just want to be clear on what your evidence is to the committee. Are you saying that in the context of the further meeting that you proposed, what you said to the people at the meeting was that stopping actions would be important?

Hon Ms Gigantes: Yes.

Ms Cronk: When I indicate to you, as I'm doing, that other witnesses before this committee have suggested that that was not the language that you used, but rather a possible outcome of that further meeting might be withdrawal by Sharron Pretty of her charges or speaking to the crown about withdrawal on the one hand, and the board refraining from removing Sharron Pretty on the other, are you saying that that did not occur?

Hon Ms Gigantes: That did not occur. Now, I will also say to you—and I would expect that at this stage members of the committee will also have heard enough of the evidence from people who were in attendance—that it is understandable that people saw that as part, felt it as part, of something that was all going to come together, because I couldn't see any way that the board could continue to work together if actions were going to continue being put forward. This was not, in my view, the limit of potential actions.

Ms Cronk: I understand. Did you at any point during the meeting explain to anyone what you meant by "actions"?

Hon Ms Gigantes: No, I think that I meant people to understand that it certainly encompassed what I had mentioned at the beginning of the meeting, which was that I knew that there were court actions which had been taken by Sharron Pretty and that there was a motion that had been put forward by the board to remove her. It certainly encompassed those and, in my mind, it also encompassed public attacks in the media.

Ms Cronk: Is it the case, though, Ms Gigantes, that the only actions discussed at the meeting by you were the legal action involving Sharron Pretty, which you'd acknowledged at the beginning of the meeting, and the intended removal of Sharron Pretty as a director? Those were the only actions that you'd identified at the outset of the meeting?

Hon Ms Gigantes: That is correct, but there were other people who certainly identified the public attacks in the media.

Ms Cronk: During the course of the discussions?

Hon Ms Gigantes: Oh, yes.

Ms Cronk: Were you attempting at that meeting, Ms Gigantes, to persuade the parties to come to a resolution of their differences?

Hon Ms Gigantes: I gained faith that that might be a possibility, just, you know, the smallest possibility—

Ms Cronk: Well, leaving the—

Hon Ms Gigantes: —about an hour into that meeting, yes. I started out telling them that that was what I was going to try to do. I didn't have an awful lot of faith at the beginning.

Ms Cronk: That was your intent?

Hon Ms Gigantes: That was my intent.

Ms Cronk: Could I ask you to turn to tab 90, please. This is a memorandum to Steve Shapiro from Brian Sutherland. I know that you're aware of it because I've shown it to you myself in the course of interviewing you with respect to this proceeding.

Hon Ms Gigantes: Yes.

Ms Cronk: It was prepared, the committee has heard, within some two and a half hours of the conclusion of the meeting.

Hon Ms Gigantes: Right.

Ms Cronk: It indicates, in the middle of the document, Ms Gigantes, Mr Sutherland's view in the following language: "In any event, I believe that the minister was able to convince Sharron and the other board members to work toward a resolution of the matter prior to the charges being considered by the court early next month."

First, you knew going into the meeting, you've already indicated, that there was an anticipated court date within a number of weeks of the date of the June 17th meeting. Is that correct?

Hon Ms Gigantes: Yes, that's correct. Yes.

Ms Cronk: Were you at that meeting attempting to convince the board members and Sharron to work towards a resolution?

Hon Ms Gigantes: Was I? I certainly was.

Ms Cronk: And did that resolution include a resolution of the intended action by the board to remove Sharron Pretty and of the actions already commenced by Sharron Pretty in court?

Hon Ms Gigantes: It certainly did in my mind imply that the board wouldn't remove her.

Ms Cronk: Did it also in your mind imply that Sharron Pretty's action, then pending in the courts, would not go forward?

Hon Ms Gigantes: No, because that was in the hands of the crown and the crown has to make the determination about how to proceed. What I did say to her was that if she came to an understanding which allowed her to feel that the issues that she was most concerned about were resolved and if she indicated that to the crown—I can't imagine the case going forward without that happening.

Ms Cronk: Forgive me, Ms Gigantes, but even raising that possibility in that language was an identification of the possibility that her charges might not go forward, wasn't it?

Hon Ms Gigantes: Oh yes, but anybody's charges

may not go forward.

Ms Cronk: Yes. And in that context, when you were trying to persuade the parties to come to a resolution, were you, in your mind, because that's the language you used just a moment ago, including in that the deferral or withdrawal of the board's intention to remove Sharron Pretty and the withdrawal by her for the then pending court action?

Hon Ms Gigantes: No, not at all. Let me see if I can go around the other way to explain what I'm trying to express. There is a court action undertaken based on complaints by Sharron Pretty. They relate to the non-production of documents. If there were no meeting on June 17th, that action would go forward and those charges could be found either innocent or guilty.

If Sharron Pretty, before that court case, comes to an understanding with the people involved, the people who have been charged and she is the witness in a case and she says—I can't imagine that she wouldn't, as the witness, be talking to whoever is carrying the charge in court, on behalf of the crown, say that, "Actually, you know, these issues have now been resolved." That might make a difference to whether the crown wished to go ahead with the proceedings. In my mind, it might make a difference.

Ms Cronk: And accepting that, and accepting that this was in your mind, did you, in the context of trying to persuade the parties to reach a resolution of their differences, indicate in any way to them that a possible inclusion of the differences to be resolved was withdrawal by Sharron Pretty of her charges and withdrawal by the board of their intention to remove her as a director?

Hon Ms Gigantes: No. Certainly never withdrawal of Sharron Pretty of her charge. I never felt that was, to the other board members, the key issue. Again, I'm going to say and try and underline to the committee that I thought that the thing that the other board members found hardest to bear about what had happened in the last few days was not necessarily the charges—they could be found innocent, they could be found guilty—but the—I'm going to say that the public shame of the kinds of allegations that had been made in the media.

Ms Cronk: Ms Gigantes, looking back on this meeting and the controversy that has emerged about it in the context of your own behaviour and actions at the meeting, would you agree with me that there are at least two scenarios here—and I don't suggest which of the two is correct, if either—but would you agree with me that at least one scenario would provide that you should not, in all of the circumstances, have gone to that meeting, but that having gone, while you were at it, the language that you used, however you intended it, conveyed to the people at the meeting a suggestion from a minister of the crown that someone should withdraw charges or consider doing so and, on the other hand, other parties should refrain from taking action to remove a director from a corporation? That's one scenario; it's one way to view what occurred. I'm not asking you to—I'm not suggesting that that is the correct way, but that is one scenario, is it not?

Hon Ms Gigantes: I have heard that.

Ms Cronk: Yes. There's another scenario as well, I suggest, and that is that what you said at the meeting has been distorted, either innocently or deliberately, but none the less distorted. That's the other scenario, right? Doesn't it come to that?

Hon Ms Gigantes: Yes, I believe it comes to that.
2120

Ms Cronk: Considering those two scenarios and everything that you knew about the court case involving Sharron Pretty and the history of difficulties among these parties, do you today consider it appropriate for you to have gone to that meeting?

Hon Ms Gigantes: Yes, I do. I believe that a minister in the end has to be willing to take initiatives which may be difficult, initiatives which may not produce the results that one hopes, but I think it worthwhile. Further, I'm going to say to you that just because some people, I now believe, have not acted in good faith does not mean that in the future you say, "Well, I assume that there will not be good faith."

Ms Cronk: Are you saying that you would go to a meeting of that kind in similar circumstances again?

Hon Ms Gigantes: Yes, I would. I believe it is a ministerial responsibility to take on that kind of difficult situation and attempt to resolve it. I do believe that.

Ms Cronk: If one or more persons left that meeting—

Hon Ms Gigantes: Yes.

Ms Cronk: Because it's going to be up to the committee to conclude what evidence to accept or not to accept, but if one or more persons left that meeting with the understanding, by virtue of what you had said, whatever you intended, but by virtue of what you had said, that you were proposing to them as an option to resolve their differences the withdrawal by Sharron Pretty of the charges that she had initiated and the retreating by the directors of their intention to remove her as a director, do you as a minister of the crown consider that to be problematic, if people you met with left a meeting with that understanding?

Hon Ms Gigantes: The people all, as far as I've heard the evidence, left the meeting with the understanding that they had an agreement to a meeting and they had an agreement that they were going to be in touch with each other about a time for a meeting.

Ms Cronk: Well, at the very least, Sharron Pretty had quite a different understanding, didn't she?

Hon Ms Gigantes: I don't believe she did when she left the meeting.

Ms Cronk: I see.

Hon Ms Gigantes: I talked to her as she left the meeting, and if she had a different understanding, she went out of her way to hide that.

Ms Cronk: By that, are you referring to having left the meeting and accompanying her in the elevator—

Hon Ms Gigantes: That's correct.

Ms Cronk: —and during the course of that trip in the elevator, about which we've heard from others—

Hon Ms Gigantes: And through the Rideau Centre for quite a bit. We were together informally in a group in which Sue Lott and Beverlee Bell and I chatted with Sharron Pretty. I did most of the chatting with her.

Mr Paul Johnson: Could I just point out that I believe it was Audrey Moey and not Sue Lott.

Hon Ms Gigantes: Oh, you're quite right. Thank you. It was Audrey Moey. We chatted with her waiting for the elevator, in a slow elevator going down—I think it's eight floors—walking through the Rideau Centre. So we're talking five, seven, 10 minutes; I can't put an exact time on it.

Ms Cronk: Were the four of you together throughout that period?

Hon Ms Gigantes: Yes, we were.

Ms Cronk: Did Ms Pretty at any point during that elevator ride, walking through the centre or before you left her company, in any way indicate to you that she was upset in any way at the meeting?

Hon Ms Gigantes: About the meeting?

Ms Cronk: Yes.

Hon Ms Gigantes: No. What she did say to me, because I said to her, "You know, I think you deserve some credit. You really have"—I congratulated her for what she had managed to persist on in an isolated position over many months. I knew it was uncomfortable and I knew it was difficult. It takes a lot of persistence. I admired that and I said that to her.

She said, "Well, I felt very nervous during the meeting." She said that to me and I said, "Well, I thought you handled yourself very well." She said to me, "I'm not used to putting my position at a meeting." Casting my mind back now, I don't think that was the case.

Ms Cronk: You do not think that she was nervous during the meeting?

Hon Ms Gigantes: Oh, I think she was nervous, but I think she was used to putting her case during a meeting.

Ms Cronk: When you said a few moments ago that Ms Pretty went out of her way to—

Hon Ms Gigantes: Hide—if she had felt upset by the meeting, if she were troubled, if she were feeling resentful towards me in my role as minister, if that were the case, she hid it.

Ms Cronk: Did she ask you or inquire whether she might join you for lunch?

Hon Ms Gigantes: She—I can't remember which way it went. I can't remember whether she said, you know, "I'm meeting Trinh for lunch. Will you join us?" or, "Can we join you?" I can't remember which way, but that was discussed.

Ms Cronk: She's also alleged, Ms Gigantes, that she felt pressured at the meeting and intimidated by what occurred at the meeting. Did you, looking back on your behaviour and what you said at the meeting—

Hon Ms Gigantes: Mm-hmm.

Ms Cronk: —in your mind, pressure Ms Pretty at that meeting to either cooperate with the board or to withdraw her charges?

Hon Ms Gigantes: Certainly the board was—if you want to count on what actually got achieved in terms of solid agreements, we had two solid agreements: One was about tenant placement, the other was about the hiring of a project manager. On those, the board brought forward agreement, not Sharron Pretty.

Ms Cronk: Yes. I'm sorry. I think I was talking about—

Hon Ms Gigantes: I understand what you're saying. So if people felt pressured during the meeting—it was a tense meeting. It was a meeting of combatants who had been combating for many months.

Ms Cronk: You're describing situational pressure.

Hon Ms Gigantes: I am.

Ms Cronk: Pressure described by the—

Hon Ms Gigantes: And it sure was there, and anybody who says it wasn't there, you know—I can't accept that. That wasn't my feeling at the meeting. I felt it was a very tension-laden meeting.

Ms Cronk: You are suggesting and are describing situational pressure.

Hon Ms Gigantes: That's right.

Ms Cronk: By virtue of the nature of the meeting—

Hon Ms Gigantes: That's correct.

Ms Cronk: —the identity of the parties and the way the meeting progressed.

Hon Ms Gigantes: Yes.

Ms Cronk: My question to you is this: Looking back on it now, did you, by anything that you did or said at that meeting, exert pressure on Sharron Pretty to either cooperate with the board or to withdraw her charges?

Hon Ms Gigantes: No, I did not, and in the contrary, I would say that I said things during the meeting consistently and deliberately to attempt to reassure her, because she was one combatant on one side with four combatants on the other side, to reassure her that I was not going to allow her to be pressured.

Ms Cronk: At any point during the meeting did Ms Pretty indicate that she was feeling pressured?

Hon Ms Gigantes: Yes. There was a spat, one spat that I can remember, and she certainly looked tense. She was not alone.

Ms Cronk: Between or among whom was that spat?

Hon Ms Gigantes: I've heard other witnesses before this committee identify a party.

Ms Cronk: What's your own recall?

Hon Ms Gigantes: Yes. It was, as I recollect, Dr Truong.

Ms Cronk: All right. Do I have it then, am I understanding this correctly, Ms Gigantes, that this was a meeting, as you've described it, that was tension-laden?

Hon Ms Gigantes: Yes.

Ms Cronk: You certainly felt that yourself.

Hon Ms Gigantes: I sure did.

Ms Cronk: And you're very experienced as a minister of the crown, if I might suggest, in dealing with people in difficult situations. That's part of the job.

Hon Ms Gigantes: It's part of the job, but this was a very tense meeting.

Ms Cronk: Yes, and what I'm suggesting to you is that even you, with that experience, felt that at the meeting.

Hon Ms Gigantes: You're right.

Ms Cronk: You saw tangible evidence of Ms Pretty feeling pressure, at least in the encounter with Dr Truong.

Hon Ms Gigantes: She was—well, she gave as good as she got.

Ms Cronk: And having done that, you understood that she was experiencing pressure at that point in the meeting?

Hon Ms Gigantes: Well, there was a spat, but I felt she looked nervous. I also felt the others looked nervous, but she was one combatant and they were four combatants, so I was much more concerned about her.

Ms Cronk: Mm-hmm. And I'm suggesting to you that in that encounter with Dr Truong, you were conscious of pressure on her at that point. I thought you said that to me; that's why I'm repeating it to you. Did you not acknowledge that that was—

Hon Ms Gigantes: Did she feel pressured? Yes, she felt pressured. She was in a room with people she'd been fighting with for months and she was being taken through a process in which we tried to sort through the issues. Yes, she was pressured by that.

Ms Cronk: And there was—

Hon Ms Gigantes: She was not pressured by me. On the contrary, I deliberately undertook to reassure her and to—I said it, "Don't feel pressured." I said, "You don't have to answer this question."

Ms Cronk: I understand, Ms Gigantes, that—

Hon Ms Gigantes: At the end—I'm going to repeat one other thing if I may. At the end of the meeting, when there was this moment of relief and people were saying, "Yes, we're going to have another meeting," and Dr Truong whipped out his daybook and the others took out their daybooks, I said, "No, no, no, no, no." None of the other witnesses before you remember that, but I distinctly remember saying, "No, no, no, we're not going to do that."

Ms Cronk: In terms of setting a date.

Hon Ms Gigantes: That's right.

Ms Cronk: Are you finished what you want to say on that?

Hon Ms Gigantes: Yes, thank you.

Ms Cronk: All right. May I come back to the question I asked you?

Hon Ms Gigantes: Yes, please.

Ms Cronk: In the encounter with Dr Truong and Ms Pretty, did you recognize at that point in the meeting that she was feeling pressured?

Hon Ms Gigantes: Yes, but he got pressured by her back, if I can put it that way.

Ms Cronk: Quite so, and as you put it, however, at that point in the dynamic of the meeting, there's four of them, there's one of her.

Hon Ms Gigantes: That's correct, and I was very conscious of that.

Ms Cronk: There was also situational pressure in the meeting, as we've already discussed.

Hon Ms Gigantes: That's correct.

Ms Cronk: In those circumstances, you've indicated to the committee that you said a number of times at the meeting remarks that were intended to ensure that she wasn't feeling pressured.

Hon Ms Gigantes: Well, specifically I remember asking a question near the beginning of the meeting, and I think it was around the superintendent, though I'm not certain of that, because the fighting broke out about the superintendent. I asked Sharron a question, and then I said to her: "You don't have to answer, you know. I'm not a judge here."

Ms Cronk: The answer to my question is that, recognizing all of that, you did say things at the meeting that were intended by you to ensure that she didn't feel pressured?

Hon Ms Gigantes: I don't know if there was anything I could say that would make sure that she didn't feel pressured. The meeting was a meeting in which the participants felt pressured.

Ms Cronk: All right, and given that that was the case, Ms Gigantes, and given that those were the circumstances that applied to Ms Pretty at the meeting, mightn't it have been the better course of action not to discuss in any way the legal proceedings in which she was involved then pending before the courts?

Hon Ms Gigantes: No, I think that we had to deal with the real situation. There was no point trying to pretend that things didn't exist. There was no point trying to pretend that the board hadn't put forward a motion and was going to proceed in two days with a motion to remove her from the board. It seemed to me if there was going to be any possibility of a resolution, then one had to acknowledge all the factors.

Ms Cronk: When you left that meeting—and I only have two questions left for you—what did you think was going to happen with respect to that board meeting on the Sunday?

Hon Ms Gigantes: The board meeting on the Sunday. I didn't know. My staff and I had just a few words' chat after we parted from—well, Beverlee's; not my staff—but we chatted for a few moments before we split up and went our separate ways. I said to them, you know—they were quite elated by the meeting.

Ms Cronk: "They" being?

Hon Ms Gigantes: Beverlee and Audrey. They thought, you know, a miracle had happened. I said: "Look, I don't know. I wouldn't count these chickens yet."

Ms Cronk: Was there any agreement or understanding reached at the meeting as to what was going to happen to the board meeting on the Sunday?

Hon Ms Gigantes: No, there wasn't.

Ms Cronk: When you left, did you have any understanding as to what was going to occur?

Hon Ms Gigantes: No.

Ms Cronk: Did you have any understanding as to what, if anything, was going to occur with respect to the charges involving Ms Pretty?

Hon Ms Gigantes: No.

Ms Cronk: Thank you. Those are my questions, Ms Gigantes.

Hon Ms Gigantes: Thank you.

Ms Cronk: Those are my questions, Mr Chair.

The Chair: Okay. We can take a break now? Okay, we'll recess for 10 minutes.

The committee recessed from 2134 to 2154.

The Chair: Would the clerk read in the subcommittee report, please.

Clerk of the Committee: The subcommittee has agreed to the following: the Liberals will go first for questions for 53 minutes; the Conservatives will go second for 52 minutes; the NDP will go third for 48 minutes or until midnight, whichever comes earlier. At that point, Ms Cronk will be allowed to ask any follow-up questions.

Mr Chiarelli: Ms Gigantes, I'm going to go over a lot of the same territory as counsel has and I'm hoping that we can garner some additional insights from you that perhaps counsel didn't have time to go over. And I do want to say that I appreciate the candour with which you've answered the questions to date and I'm hoping that most of these questions could be answered fairly quickly for the record.

The meeting of June the 17th that was set up essentially by your staff on your instructions or at least with your knowledge: How would you characterize on whose behalf the meeting was set up?

Hon Ms Gigantes: It actually wasn't set up by my staff in the first instance. It was set up by ministry staff. As Ms Cronk pointed out, the testimony by Audrey Moey today was she that had done follow-up.

Mr Chiarelli: But Ministry of Housing staff, and you're the minister for that particular ministry.

Hon Ms Gigantes: Yes. When you use the phrase "my staff," I tend to think of the staff who work in my office at Queen's Park and my office in the constituency.

Mr Chiarelli: And on whose—

Hon Ms Gigantes: On whose behalf was it set up?

Mr Chiarelli: Yes.

Hon Ms Gigantes: It was set up at my invitation for the parties who had approached me to meet with them over the past several months.

Mr Chiarelli: We'll talk about the parties in a minute. I'm going to refer to several exhibits and I'm going to read from each of them before I ask you a question and I just want to hopefully have you retain the gist of each quote that I'm going to read from.

Firstly, I want to go to tab 96 on exhibit 1, volume 3, and tab 96 is a copy of a briefing note that the evidence has indicated was provided to you in advance of question period in June when the Legislature was sitting, and I'll just read the third paragraph of that and ask you just to

retain the contents of it while I go on to the other two quotes very quickly.

"During the meeting we talked about a range of ways the board could resolve its differences. One of the options discussed was whether it was possible to resolve the issues without legal proceedings. It was simply one of several options we discussed, nothing more."

I want you to hold the words "resolve the issues without legal proceedings." Then I would like to go to exhibit 1, volume 3, tab 106, which is your statement which you provided to the committee on August the eighth, Monday of this week, when the proceedings commenced.

Hon Ms Gigantes: That's correct.

Mr Chiarelli: And in your statement, starting I think on the third page at the bottom of the line, it says, "At one point I said that if each side," and "each" is underlined, "could back off all actions against the other, that it might be possible to resolve the current issues and create an atmosphere in which the board could work together in the future." And the words I want you to remember there are "resolve the current issues."

The next reference that I would draw your attention to is tab 81 in the same volume, which are the notes of Audrey Moey which were taken at the meeting, and that particular reference says, "Evelyn to the board: 'Can these things be resolved without legal proceedings and removal of directors?'"

And what I would like to get some insight on, having reviewed those three statements, is when we're talking about resolution and resolving without legal proceedings, who at the meeting could be beneficiaries of that type of resolution? Who would be the beneficiaries?

Hon Ms Gigantes: Well, you will have noted, as I believe you did when you read this just now, that from Audrey Moey's minutes or notes, what she'd suggest was that I had used this phrase, "without legal proceedings and "removal of directors." I believe I asked that question and I believe that all parties around that table could benefit if that were to happen.

2200

Mr Chiarelli: So the meeting was set up on behalf of all the parties who were there, effectively, and if there were any positive result, they would all be beneficiaries of it.

Hon Ms Gigantes: I think that you will recognize, as most members would, that when there are people who have been fighting, then if they're going to resolve their fights and both sides are engaged in the fight, then both sides have to feel that there are benefits.

Mr Chiarelli: Now, I'd like to go on, and that's a good point to go on to my second point. In your testimony earlier you indicated that there were two groups: the complainants on the one side and the members of the board on the other side.

Hon Ms Gigantes: The other members of the board.

Mr Chiarelli: The other members of the board. And you also indicated, with respect to the court proceedings of provincial offence charges, that your ministry or the

province of Ontario was not a party to that action.

Hon Ms Gigantes: The Ministry of Housing was not a party.

Mr Chiarelli: So they were private parties, in a sense. The directors you would characterize as private parties?

Hon Ms Gigantes: Well, there are always private parties involved in court actions, or there usually are; I guess governments take on governments in court actions. But in this case, the private parties were involved not in a suit against each other but there were charges based on complaints laid by one party against the other parties.

Mr Chiarelli: Okay. Thank you. Now, included in those parties, I think you will agree with me there were the six directors who were accused under the Provincial Offences Act, under the Corporations Act. They were at the meeting. In addition—

Hon Ms Gigantes: Four of those members.

Mr Chiarelli: Four of the six were at the meeting, yes. I stand corrected on that. Also at the meeting was one of the complainants—you characterized them as "complainants"—Sharron Pretty.

Hon Ms Gigantes: I think I did that once.

Mr Chiarelli: Yes.

Hon Ms Gigantes: It's not how I usually thought of Sharron Pretty and Trinh Luu, I must say.

Mr Chiarelli: And we have evidence that My Nguyen was at the meeting and he's one of the accused and his evidence is that he lives in your riding and he's a constituent. We also have evidence from you tonight that Can Le was present at the meeting and you indicated that he was a friend of some number of years, that you had known him, he was an acquaintance, at least, or—

Hon Ms Gigantes: Oh, I certainly wouldn't describe him as a friend.

Mr Chiarelli: But you've known him and—

Hon Ms Gigantes: He was known to me and I'd met him in many instances in connection with Vietnamese community events.

Mr Chiarelli: Now I'd like to refer you to—

Hon Ms Gigantes: You know he's a very active Liberal, so he's not likely to be my friend.

Mr Chiarelli: He's never admitted that to me.

I will now refer you to several other matters, and these items that I will refer you to have reference to some perceptions of the outcome of the meeting and I'd like to get some insight from you on these particular matters. Firstly, I want to refer you once again to Mr Brian Sutherland's memo. Before I quote the particular passage, I think the evidence is that—

Hon Ms Gigantes: Do you know the number?

Mr Chiarelli: Yes, the reference is exhibit 1, volume 3, tab 90. It's the same book, tab 90.

Hon Ms Gigantes: Thank you.

Mr Chiarelli: Before I get to the exact quote, the evidence is that—I'm not sure what his official title is, but he's the senior manager or director for the ministry in eastern Ontario. Is that correct?

Hon Ms Gigantes: That's correct.

Mr Chiarelli: And you've been working with him since you've been the minister?

Hon Ms Gigantes: That's correct.

Mr Chiarelli: And he's generally considered a very credible manager?

Hon Ms Gigantes: Oh, yes.

Mr Chiarelli: Now, he came out of that meeting, and two hours after the meeting was completed he wrote the following—and this is the only specific item that he put in the memo that has been directed to you—about what happened at the meeting. I would say that this is his perception of the outcome. It may not be your perception, but I'll ask you about that in a minute. It says, "In any event, I believe that the minister was able to convince Sharron and the other board members to work towards a resolution of the matter prior to the charges being considered by the court early next month."

Now, is that your perception of the outcome of the meeting?

Hon Ms Gigantes: The outcome of the meeting was, in my view, that there was a potential for a meeting which had the potential to resolve issues far enough to create an understanding that would form the basis for further work among those members of the board, but—

Mr Chiarelli: But it's fair to say that this is his perception of the outcome?

Hon Ms Gigantes: I think when he was before you, if I heard his testimony correctly, what he was indicating was that this memo was designed to speak to people in the ministry who had been active on the Van Lang file, as bureaucrats call it, for some time and that they had developed ways of speaking to each other about their work and the people involved with the Van Lang development. He felt that this was a way to speak to them that would convey quickly and clearly to them what they needed to know.

Mr Chiarelli: But I think that some objective observers might say that that's his perception of an outcome. You may not agree with it or there may be nuances to it, but it's a perception.

Hon Ms Gigantes: Yes, but you see, I think he was trying to suggest that he may have had other perceptions too but the purpose of this memo was to convey perceptions which were useful to his work colleagues.

Mr Chiarelli: Okay, thank you. Now I want to refer you to the Hansard quotes. I don't know whether you can get them in front of you very quickly, but they're not very extensive. I'm referring to the testimony before this committee of Dr Tang. I'm just going to read two very short quotes, but before we get into the quotes, Dr Tang is an engineer, I believe from his testimony, and is employed at Atomic Energy of Canada. He's an educated and very responsible person from the testimony that he's given here.

Now, he has a perception of outcome and I'd like to read his perception. He was examined by Mr Callahan about his perception of outcome of the meeting. Mr Callahan stated, "But as recognized by your transcripts,

which the counsel for the committee has gone through with Ms Pretty"—and that's a transcript of a telephone conversation between Dr Tang and Ms Pretty—and Dr Tang says, "Yes," and Mr Callahan asks, "...you were of the understanding that Ms Pretty was to consider dropping the charges," and Dr Tang said, "Yes."

Okay, those are the quotes. Now, I am not suggesting for any minute that this is the only perception coming out of the meeting or that it was your perception. I would like to get your insight as to what your thoughts are that this was his perception of the outcome.

Hon Ms Gigantes: I find it very difficult to speak to other people's perceptions. I'm not surprised that people would have different reads of what was discussed in that meeting. The only thing that people were agreed upon was that they would think about the date for another meeting.

Mr Chiarelli: Thank you. I now want to refer you to the same volume, tab 106. Again, a reference is made in the statement that you provided to the committee, and this is your quote, or part of your quote:

"I agreed with Sharron that the matter was in the hands of the prosecutor, and said I did not know what the prosecutor would decide if Sharron was satisfied that the issues with the board of directors had been resolved."

Hon Ms Gigantes: That's right.

2210

Mr Chiarelli: I just want you to hold that quote for a minute, particularly "what the prosecutor would decide," and I want to also refer you to the quote that appeared in the Heather Bird article—it's exhibit 1, volume 1, tab 7—of June 21st. This quote has been referred to before, I believe, and it says—

Interjection: What page is that?

Mr Chiarelli: And I think your evidence said that as well this evening.

Hon Ms Gigantes: Exhibit 1, volume 1.

Mr Chiarelli: It was page 41. Sorry.

Hon Ms Gigantes: This is tab 7?

Mr Chiarelli: Yes. Tab 7, volume 1, exhibit 1, page 41, and the quote is, quoting you, "I did suggest that the crown might find it of interest...that currently the board had brought itself into compliance both with the Corporations Act and the program's guidelines."

What I want to get some insight from you on is, in your own statement where you say you did not know what the prosecutor would decide—

Hon Ms Gigantes: That's right.

Mr Chiarelli: —so there was an implication that the prosecutor might have to make a decision with respect to a possible outcome of your meeting, in the first instance, and in the second instance the quote in the newspaper, you said, "I did suggest that the crown might find it of interest...that currently the board had brought itself into compliance...." So you were contemplating that some of the outcome might be of interest to the crown and it might be a factor in how the crown ended up dealing with the case.

Hon Ms Gigantes: Not the meeting of June 17th.

Mr Chiarelli: As well, in your testimony of a few minutes ago—and we don't have the Hansard for it—you indicated that if Sharron Pretty were going to be a witness, her testimony might be different if there had been a total resolution of the problems were she to be in a courtroom giving that evidence.

Hon Ms Gigantes: No. No.

Mr Chiarelli: You did not say that?

Hon Ms Gigantes: No, I did not say that, and we don't have Hansard, but I did not say that. What I did say—I hope I will use exactly the same words again, because what I'm trying to suggest here is that this is charges being carried by the crown. She is the complainant and will therefore be a witness. If, going into a court hearing, the crown will want to know what it is she is going to say, what will she say if at that point she is satisfied and she is asked about her current feeling related to a charge from previously? I don't know what the crown will feel about what she might say if she were asked that question.

The Chair: You've used one third of your time.

Mr Chiarelli: I'm going to conclude very quickly.

Hon Ms Gigantes: Could I also, just because you've drawn it to the attention of the committee, note that in the article to which you've referred here, there is indication that there were other words said in the sentence that you quoted. You notice that there is a dot dot dot, which indicates that there were other words that I said, where I was being quoted, which were not included in the quote.

Mr Chiarelli: Yes. I guess the only point I was trying to make was that, as a result of whatever deliberations or outcome the meeting might have had, it would have impacted somewhat on what the crown attorney or the prosecutor—

Hon Ms Gigantes: No.

Mr Chiarelli: —might have to do in his case—

Hon Ms Gigantes: No.

Mr Chiarelli: —and that's the proposition that I'm making.

Hon Ms Gigantes: No, because I think what may be a confusion here is, we were talking about a further meeting, not the meeting of June 17th. We were talking about a further meeting with the potential for resolution at that stage, not June 17th, because it was quite clear to all of us that we weren't going to resolve those issues on June 17th. We were talking about what might be the outcome of a meeting on June—past; another meeting.

Mr Chiarelli: Yes. I just have a sense that from the words that you used in your own statement and the quotes that you acknowledged—your references to "prosecutor," for example, "I did not know what the prosecutor would decide," and other references to "prosecutor," led me to the conclusion—and I may be coming to a false conclusion—that the prosecutor would somehow be impacted by the outcome of the meeting that you participated in.

Hon Ms Gigantes: No.

Mr Chiarelli: But we'll have to agree to disagree on that, and I'll pass my time to Mr Murphy.

Hon Ms Gigantes: No. We didn't have an agreement on June 17th. There was no potential for a resolution on June 17th. The best we could come to on June 17th, and I didn't even dare hope that it would actually happen, was that there might be another meeting where things could be brought to a common understanding.

Mr Chiarelli: Thank you.

Mr Murphy: Ms Gigantes, I too actually want to thank you for your candour. I think you've been very honest. I don't mean to say that with such surprise, but it's been very nice to see.

I have a couple of questions. I want to ask you about what you've told us tonight, but I want to get rid of one point before I do that. I think you'll know, from having watched the proceedings that we've been going through this week, that there are some differences between your testimony tonight and what Sharron Pretty said happened.

Hon Ms Gigantes: Yes, there certainly is.

Mr Murphy: And what I want to ask actually, without—I don't want to ask whether or not you think Sharron Pretty's version is true, and I don't want to operate on that assumption, but if Sharron Pretty's version is taken to be true, which is that you made essentially an offer of a deal that she should go and drop the charges, and that you made that offer repeatedly in return for her remaining on as a board, would that, in your mind, if it were true—I'm not saying it is, but if it were true—constitute a breach of the conflict-of-interest guidelines?

Hon Ms Gigantes: You bet.

Mr Murphy: Okay. So now dealing with what you've told us tonight, if I can go to that, I do want to talk a bit about the—I think counsel put to you the idea right near the beginning of your testimony that if discussing a settlement, you had to be very careful, as a minister of the crown. Do you remember talking about that?

Hon Ms Gigantes: Yes.

Mr Murphy: And I think she went on to say that settlement would mean where one side gets one thing and the other gets something else; in the context of withdrawing charges you had to exercise great caution.

Hon Ms Gigantes: Yes.

Mr Murphy: And I just—I want to read something from—now, this is not meant in any way to say that this applies to your situation in any set of facts, but I did want to read a provision just to emphasize the care, because I think it was important in the context of an ordinary person's care. This is from an actual court case, and it says: "Similarly, an attempt to pay compensation to the complainant in order to influence the proceeding by, for example, persuading the crown to withdraw the charge, is capable of amounting to an offence." I'm not saying similarly—

Hon Ms Gigantes: Could you repeat—

Mr Winniger: Mr Chair, a point of order: I just need some indication from Mr Murphy as to where he's leading on this, because if he's holding a copy of the Criminal Code and reading from the Criminal Code, I would suggest that that goes well beyond the terms of

reference for this inquiry and I would appreciate some advice from counsel on his right to put that kind of question to this witness.

Ms Cronk: I understood Mr Murphy to be reading from a case, which I took to be an annotation under a section of the code, and I assumed he was going to put a proposition to the witness that wasn't directly related to a section in the code. If that's not the case, I share your view. If I'm right, then I think he should be permitted to put the question and then it can be considered.

Mr Murphy: Counsel is right. I think I said in my preface to the question in fact that—I'm not saying that the code at all applies to the situation, even on Sharron Pretty's version. All I'm trying to do is emphasize that even an ordinary citizen, in the case of a withdrawal of a charge where some kind of, you know, settlement can be involved where someone's getting a benefit, you've got to exercise some care. Even an ordinary citizen, on the basis, for example, of that excerpt from a case I read—care has to be exercised in those circumstances even for an ordinary citizen.

Hon Ms Gigantes: I can well contemplate the kinds of cases that you would raise in that context. I can well contemplate them. The question, as I understood it, being posed by counsel to the committee was that in all cases an ordinary citizen was under a total onus of this kind.

And I do—I'm not a lawyer, but one of the things that impresses me about what the legal system does is that it considers each case as a specific case.

2220

Mr Murphy: I'm sorry if I missed this. Did you say whether at the June 17th meeting you discussed the question of access to information by Sharron Pretty, of board minutes and materials?

Hon Ms Gigantes: I did not raise that as a discussion point—

Mr Murphy: Was it discussed, though?

Hon Ms Gigantes: —for reasons that you can well imagine. I believe that at one point during the meeting there was an outburst from one member of the board who said something to the effect, you know, "Then these charges; we've given you all the documents," that kind of thing that was just a brief outburst. And again, it was probably one of the situations in which I asked members to try and leave such matters aside and try and focus on specific issues where we might be able to get some agreement.

And as I indicated earlier, I believe that in two areas—and I think that everybody who was at the meeting would probably agree—in two areas, we definitely did address two issues and achieve some progress during the course of the meeting.

Mr Murphy: I think Mr Chiarelli took you to the transcript of the evidence of Dr Tang, and I don't know whether—I don't want to take you to it again, but I think you eventually got that in front of you and you saw from that that it was his understanding that Ms Pretty was to consider dropping the charges as part of the deal, in essence, on his understanding; I'm not saying that you agree with that.

Hon Ms Gigantes: Mm-hmm.

Mr Murphy: That, I think, was his evidence. Is that fair, from what you—from what Mr Chiarelli took to you? Not that it's—

Hon Ms Gigantes: I think that that—

Mr Murphy: That summary of what he said is fair?

Hon Ms Gigantes: I watched the television proceedings as Dr Tang gave his evidence. My recollection of that evidence—and in fact, I didn't have a good chance to look at the written script—was that in fact he was prepared to say he thought there was, "on the one hand" and "on the other hand," and that was part of the agreement which he agreed hadn't been reached.

Mr Murphy: Now, do you think that the view that, even if it wasn't reached, let's say, but the view that part of what was proposed was that Sharron Pretty withdraw the charges, do you think that view of the meeting is an unreasonable view of the meeting?

Hon Ms Gigantes: I don't think it was unreasonable on his part to say that this was a hoped-for kind of development. I think that in other parts of his testimony and the testimony of other directors, you'd see them refer to the meeting as the critical kind of step and that what happened around other actions would—was undefined and would depend on whether the meeting was successful.

Mr Murphy: Would it be, in your view, an unreasonable conclusion for someone, let's say, who is watching that meeting but not a participant, for them, that person, to have reached the conclusion that one of the things Sharron Pretty was to do upon leaving the meeting, or as part of the hoped-for arrangement, was to make efforts to drop the charges?

Hon Ms Gigantes: No.

Mr Murphy: Is that unreasonable?

Hon Ms Gigantes: That would be unreasonable. I think anybody who reasonably watched that meeting would agree that the onus on Sharron Pretty, if there was an onus, was, and there was an similar onus on the other board members, to find an agreement on a time for a further meeting.

Mr Murphy: Just as a last question, there is—I think counsel gave you the 1993-94 commission on conflict report, and if you have it there—

Hon Ms Gigantes: No, I don't.

Mr Murphy: —I'd like to take you to page 6, under inquiry number 7. You have that there. Have you looked at this before?

Hon Ms Gigantes: Oh, yes, I have.

Mr Murphy: In preparation for today?

Hon Ms Gigantes: I had looked at it earlier, as a matter of fact.

Mr Murphy: I think this report came out on June 16th, the day before your 17th meeting.

Hon Ms Gigantes: Yes. I didn't read it before the 17th.

Mr Murphy: Okay. Would you agree with me that the implication of inquiry number 7, as applied to your

attendance at the June 17th meeting, is that Mr Justice Evans would advise you not to go?

Hon Ms Gigantes: I thought about that and I also thought about his example number 27 on page 10, which seemed to me to be more similar in terms of the issues it raised. Have you looked at that one?

Mr Murphy: You haven't answered my question.

Hon Ms Gigantes: I guess by implication by answer is no, I don't think that this is a comparable situation. In the situation you're discussing, inquiry number 7: "A member/minister was asked by a local citizens action group...to investigate the reason why their contract with Jobs Ontario was terminated. Counsel representing the" local citizens action group "had filed a notice of intended action against Jobs Ontario," which is an action against the government of Ontario.

Mr Murphy: I don't particularly need you to read through it.

Hon Ms Gigantes: But that's an action against the government.

Mr Murphy: You'll agree with me, as I think you agreed with counsel, that the conflict-of-interest guidelines are intended to in fact set a higher standard than the conflict-of-interest act.

Hon Ms Gigantes: Oh, yes. But if you take a look at page 10 and inquiry number 21—

Mr Murphy: No, I don't need to. That's fine.

Hon Ms Gigantes: Okay.

Mr Murphy: Thank you.

Hon Ms Gigantes: Thank you.

Mr Murphy: I gather, in any event, that as far as you know neither you nor anyone on your staff, prior to the June 17th meeting, contacted Mr Justice Evans with respect to whether you should attend that June 17th meeting?

Hon Ms Gigantes: That's correct.

Mr Murphy: And, I guess, would that include that you're certain that no one on your staff did, or at least as far as you know no one on your staff did?

Hon Ms Gigantes: I'm pretty certain.

Mr Murphy: And that would include that you did not direct your staff to contact Mr Justice Evans for any such advice.

Hon Ms Gigantes: That's right.

Mr Murphy: And final question: In your mind, was there any way in the long term to solve the Van Lang board difficulties as you saw them and dealt with them in the June 17th meeting, was there any way to resolve those difficulties without the charges that Sharron Pretty had instigated being not proceeded with?

Hon Ms Gigantes: Oh, yes. I firmly believed that then, I believe it now, and in fact I was—I don't remember which member of the board it was who said in testimony before this committee—I think it was Dr Can Le who said it was not the issue of the charges; it was the issue of the public attacks. I believed that from the moment that I read the article written on June first. I believed the key problem as far as a resolution involving

the other members of the board was concerned was the question of public allegations against them, not the charges but the other allegations.

2230

Mr Murphy: One final question, and this goes to, actually in part, our recommendations about guidelines: Given your experience through this meeting and this long week, is it your view that the conflict-of-guidelines need changes?

Hon Ms Gigantes: No, I don't believe so.

Mr Murphy: Okay, thank you.

Hon Ms Gigantes: I don't believe there was a breach in this case. I believe them to be useful. I believe them to be workable.

Mr Callahan: Ms Gigantes, you and I have been in the Legislature for a long time together. I guess, just to comment on the point you made, that you didn't expect Sharron Pretty to be at the meeting, that's the first time we've heard that. If that's correct—and you're an honourable member; I'm prepared to accept that—I have two questions arising from that. The first one is, if you weren't expecting her to be there, how were you going to negotiate any type of a settlement when all you had were the original directors? Didn't you have to have two parties to negotiate a settlement?

Hon Ms Gigantes: Um, you do, but you don't have to have them in the same room.

Mr Callahan: Is that the reason that you were separating—Tre Linh, was it, I think?

Hon Ms Gigantes: Trinh Luu?

Mr Callahan: Trinh Luu.

Hon Ms Gigantes: And Sharron Pretty?

Mr Callahan: Is that the reason you were separating Trinh Luu and you saw her on one occasion and then you were going to see the directors on another occasion and Sharron Pretty on another occasion?

Hon Ms Gigantes: No. I may not have made it clear, Mr Callahan, but I had contemplated two meetings of this kind: one meeting that included Trinh Luu and Sharron Pretty and another meeting that included the other members of the board.

Mr Callahan: Without Sharron Pretty?

Hon Ms Gigantes: Without Sharron Pretty.

Mr Callahan: Well, I had to ask that question, because I somehow understand what your methodology is. You believe that something can be resolved by mediation, and that's an admirable task. Perhaps if we had a little more of that in our legal system, we'd have less backlog in the courts.

However, I was also astounded by the answer you gave to a question from commission counsel—and they always say hindsight is 20-20—that given the facts that you've heard and what all of us have gone through, I think you said to commission counsel that you would do it the same way again. Was that your answer?

Hon Ms Gigantes: I would certainly go ahead with the meeting again, yes.

Mr Callahan: You would even go ahead with the

meeting again with Sharron Pretty showing up out of the blue?

Hon Ms Gigantes: Oh, yes.

Mr Callahan: Did it not occur to you—I mean, you made a comment about not being a lawyer, and that's probably a blessing in disguise. But do you not understand that, as I think commission counsel put it very clearly—and I've spent 30 years in the justice system—the underpinnings of our civilized society require that justice not even appear to be tampered with? The fact at the outset of these hearings, after I'd read the material in preparation for this matter, led me to introduce or at least query of commission counsel whether or not the facts warranted a charge under the obstruct justice sections of the Criminal Code. I'm satisfied, on hearing the evidence, that that's not the case. I doubt that anybody would ever prosecute it.

But did you not know that you were walking a thin line, if you look back on it, whereby you and at least four directors were entered into an agreement—granted, it was an agreement to have another meeting, not an agreement at that meeting but an agreement to have another meeting, and that is an agreement—

Hon Ms Gigantes: That was five members.

Mr Callahan: —to commit potentially what could have become an unlawful act? What if Ms Pretty had walked away from that event and had gone to the crown attorney and said: "Well, I was mistaken. Withdraw the charges"? I suggest to you if that had happened, regardless of your good intentions and the rest of it, you and the rest of the people would have been perilously close to being perhaps charged with conspiracy to commit an unlawful act. Did that never occur to you?

Hon Ms Gigantes: Mr Callahan, I believe I indicated as clearly as I could when counsel questioned earlier that I thought it very important in the course of this meeting to be very careful what words were used by me, how discussion was guided in my presence and the kind of agreements that people came to. The agreement that people—there were three agreements that people came to. I've described the two earlier agreements in the course of the meeting which led to the possibility that we could discuss whether there was enough agreement to have another meeting.

Mr Callahan: Right.

Hon Ms Gigantes: That was the third agreement.

Mr Callahan: Okay, but put yourself—

Hon Ms Gigantes: This is not a fine line. This is a line that is a line that's very clearly identified as within certain kinds of bounds, and it is a line followed in an attempt to bring parties who are doing each other damage and doing the non-profit corporation and the residents damage in the course of that—

Mr Callahan: But, but—

Hon Ms Gigantes: —to bring them to some understanding that will allow that to start to ease.

Mr Callahan: Okay, I understand that, but put yourself in this position: Let's say that you had someone there who was not a party to the whole event observing

this event. Seeing a minister of the crown at a meeting—maybe your intentions were to mediate, but that person is—that's the public. That's John Q. Public. That's the reason the conflict-of-interest requirements are so specific to people who are in public life. We choose to be in public life. Because that John Q. Public, who doesn't know what your good intentions are, is saying to himself or herself, "My heavens, there's the Minister of Housing, and she's there trying to negotiate a deal which includes charges under a quasi-criminal statute, and the quid pro quo for it is that this director will not, may not, lose her directorship." Now put yourself in those shoes, and I would suggest—

Hon Ms Gigantes: Are you asking a question?

Mr Callahan: Well, I am. I'm suggesting to you that under those circumstances—I'm going to ask your comment on it—under those circumstances, that's precisely why you are held at such a high level in terms of not just justice being done but the appearance of justice being done. Do you not understand that? Do you not understand that you owe a responsibility—

Hon Ms Gigantes: I certainly don't understand it the way you appear to understand it. I certainly do understand it, in my view.

Mr Callahan: Okay, so you would do it again if—it wouldn't be red flags going off when you saw Sharron Pretty there. That's what you're telling us. You'd do it again with her there. Is that what you're saying?

Hon Ms Gigantes: I would carry out the same meeting, with the same participants, with the same objective and in the same manner.

Mr Callahan: Okay, notwithstanding the fact that your staff had been telling you, and in fact—

Hon Ms Gigantes: Could I—

Mr Callahan: Just a second; let me finish.

Hon Ms Gigantes: Could I make a comment?

Mr Callahan: Let me finish for a second.

Hon Ms Gigantes: Is it a question?

Mr Callahan: Yes. I'm going to ask you a question.

Hon Ms Gigantes: Good.

Mr Callahan: You agree that your staff, up until at least May 11th, and yourself were all in agreement that this was a dangerous situation when you heard that there were charges outstanding. Am I correct?

Hon Ms Gigantes: No. What I said was, as soon as we heard there were legal proceedings involved, we said, "Hold on, there is no meeting taking place until we find out what's going on here."

Mr Callahan: Okay, and did you find out?

Hon Ms Gigantes: We found out.

Mr Callahan: Okay. Now, when you found out and you realized that these were charges that were being conducted by the crown attorney—the crown attorney handles criminal or quasi-criminal charges—that didn't make you feel the same way you did before: "Hey, hold off. We better not do anything"? It didn't even reinforce your feelings that you shouldn't go ahead?

Hon Ms Gigantes: The request that we had had was

to discuss Housing issues. The legal proceedings did not have to do with Housing issues. They had to do with the affairs of the board of directors of a non-profit corporation, and the obligations under the Corporations Act of Ontario.

2240

Mr Callahan: Yes, but I suggest to you, Ms Gigantes, that the Corporations Act is under a statute for which a minister of the crown is responsible. The crown is indivisible. The fact that you're the Minister of Housing and someone else, perhaps the Attorney General or whomever, Consumer and Commercial Relations, is in charge of the statute dealing with corporations—you're still the same crown. It is still the crown bringing a charge against—

Hon Ms Gigantes: Can I address the question I think that you began to raise with me several minutes ago, and that is public perception?

Mr Callahan: Right.

Hon Ms Gigantes: I do believe that there has been damage to public perception of politics through the events that have arisen out of the June 17th meeting. I do believe that the allegations undertaken by Sharron Pretty around that meeting, which were not undertaken in good faith, have damaged the public's perception of the integrity of political life in this province, and I further believe that the allegations and the manner in which they were carried by the opposition of this Parliament further damaged public confidence in the integrity of the government of this province.

Mr Callahan: Well, Ms Gigantes, I think in closing, you've made a political crack, and I didn't want to get to that, but I really feel sorry for you because you don't seem to understand that you cannot—I wouldn't. I've practised law for 30 years. I would not attempt to interfere with a charge that was going ahead and try to have it withdrawn.

Hon Ms Gigantes: That's good. Neither would I, Mr Callahan.

Mr Callahan: And in essence, regardless of what your intentions were, that's what you were doing. That's what you were doing.

Hon Ms Gigantes: That's what you claim I was doing. I believe you to be wrong.

Mr Callahan: That's what the facts—certainly the facts would seem to indicate that on what—on readings of either set of facts, that's exactly—and the sad thing about it, Ms Gigantes, is you don't seem to understand that the minister of the crown has no higher right to interfere with the justice in this province than does John Q. Public. You don't understand it even now. That's the problem.

Hon Ms Gigantes: You don't have the right to say that I believe that a minister has that right, because I have said the opposite in testimony before this committee.

Mr Callahan: Well, Ms Gigantes, your actions that have been heard as a result of the evidence here, your own evidence, belies an entirely different situation. You in fact have demonstrated—and as I say, I feel sorry for

you because you still don't understand that you have in fact, as a minister, where a higher standard is demanded—you in fact feel that what you did was not incorrect and that the people out there should absolve you from having done it. Well, with the greatest of respect—

Hon Ms Gigantes: Having done what, Mr Callahan?

Mr Callahan: With the greatest of respect—

Hon Ms Gigantes: Having done what?

Mr Callahan: —you have overstepped the bounds of a minister of the crown, and I can tell you that as far as I read the guidelines, you have overstepped the guidelines.

Hon Ms Gigantes: You're certainly entitled to your opinion. I believe you to be wrong, and I believe your expression of it does not contribute to the public's right to have belief in the integrity of political life in this province, and the belief that the public is entitled to have about the absolute dedication of elected representatives, and in particular ministers, to the process of justice in this province.

Mr Callahan: That's right, but they also have the right to have the appearance by the ministers of the crown, who are people who have tremendous power—we heard one witness here talk about a minister as being—I can't recall what his terminology was but he was in awe of you. I said to him you certainly wouldn't be in awe of a humble MPP like myself, but he was in awe of you. Do you not realize—

Hon Ms Gigantes: No, you asked him if he was in awe and he said no, he was not. Do you recollect that?

Mr Murphy: No, he said yes.

Hon Ms Gigantes: Well, I heard another person say he wasn't.

Mr Callahan: Yes, he did. Do you not realize that the average—

The Chair: One at a time. I think he's making a statement here.

Mr Callahan: No, no. I'm trying to put it to you so you'll understand. The average person does not get to meet a minister of the crown every day. In fact, we had evidence before us from one of the directors on the board of Van Lang that he was, I think—I can't remember his exact terms, but he almost, you know, puts you on a pedestal. That's where ministers of the crown should be, is on a pedestal, and that's precisely why the conflict-of-interest guidelines are there. They're not there to keep—

The Chair: I don't believe there's a question.

Mr Callahan: I'd like you to comment on that, Ms Gigantes, because you don't—

Hon Ms Gigantes: Yes, I will, Mr Callahan.

Mr Callahan: Thank you.

Hon Ms Gigantes: Dr Can Le was very flattering, I understand. I didn't hear that particular part of committee discussion, but I can also assure you that Dr Can Le is a very vigorous political opponent of mine in the riding of Ottawa Centre, so he's not in awe.

Mr Callahan: Well, that wasn't what I got from his evidence, Ms Gigantes. But as I say, I'll close by saying

I feel sorry in this respect: that I think you honestly believe what you're saying, but I think if you reflect back on it and you stand back from it as an objective observer, as opposed to the minister who was involved, and think about it—you're an intelligent person—you would realize that the reflection you're giving to the average public out there has to be in contravention of at least the appearance of the guidelines, if not actually.

Hon Ms Gigantes: I think that's your reflection, Mr Callahan.

Mr Callahan: Well, I'm banking the rest of my time.
Interjections.

Hon Ms Gigantes: Some bank.

Mrs Marland: Mr Chairman, I think, in order to have a flow between the minister and myself, I would appreciate that you not allow either one of us to interrupt each other.

Minister, obviously, this is a very serious hearing for you—

Hon Ms Gigantes: Yes.

Mrs Marland: —and for your political career, and I want to ask you at the outset if you think that it was appropriate for any member of this committee, before hearing any evidence, to make a public statement on your guilt or innocence?

Hon Ms Gigantes: Considering what would have happened had there been no such statement made at the beginning of hearings, there would have been accusations by other members of the Legislature, including yourself, I'm sure, that there was no support by government members for the minister. So you do it one way, you do it the other. Let's be candid.

Mrs Marland: Okay. Well, let's be candid, because you obviously knew right away that I was going to speak to the fact that one of the government members announced at the outset there was no conflict. I worded my statement, my opening statement, very carefully and I never once drew a conclusion about what the outcome of this hearing would be in my opening statement. I felt that when we were dealing with your guilt or innocence of an allegation, and you may or may not believe this, but I sincerely felt it was important for the process and to respect the job that our counsel was going to be doing, which was to be extracting evidence for our benefit in order to make our decision, that it was important not to prejudge what that evidence would be.

I would also like to—

Hon Ms Gigantes: Does the pause allow me to respond?

Mrs Marland: No, I didn't have a question.

Hon Ms Gigantes: Ah, okay.

Mrs Marland: Right at the beginning, I want to establish what you think about a particular person whom you have described as, "I was very taken with her." This is the same person that in fact your Toronto office went on to offer a job.

Hon Ms Gigantes: Yes.

Mrs Marland: And you now have told us that you

went to a shower with her for Audrey Moey's baby.

Hon Ms Gigantes: Yes.

Mrs Marland: So, would you agree that this person, Trinh Luu, at least at that time was someone who you at least felt had credibility?

Hon Ms Gigantes: I certainly felt that she had credibility, that she had talent, that she was a very capable advocate. I found her, as a person, a very attractive, warm, delightful person.

2250

Mrs Marland: So you would agree—well, you knew she was a constituent, but you would agree—

Hon Ms Gigantes: No, I did not as a matter of fact.

Mrs Marland: Oh, okay.

Hon Ms Gigantes: I didn't learn that until quite recently. I don't know if she was when I first met her or not.

Mrs Marland: Okay. Well, you didn't know she was a constituent, but this was someone that you received many calls from. In the statement that you filed at the opening of this hearing, you said that you had been following the events—I'm paraphrasing—you said, "I've been following their difficulties for more than a year."

Hon Ms Gigantes: Yes.

Mrs Marland: You knew that a lot of the generation, if not most of the generation, of the information about those difficulties in fact came from Trinh Luu.

Hon Ms Gigantes: It certainly did up until the fall of 1993, at which point most of the written correspondence, which was the material I was most familiar with, was generated by Sharron Pretty.

Mrs Marland: So to deal just with the material that came from Trinh Luu—and incidentally, this pile on the floor here behind me, which you could just glance at, consists of six reports that Trinh Luu did while she was still an employee of the board. All of that material she filed with either Bill Clement or Mr Sutherland and she showed it to the people in your office. I mean, you know how she comes with documentation. You actually then confirmed that when you met with her on June the 10th of this year she indeed came with a great number of documents.

Hon Ms Gigantes: That's correct.

Mrs Marland: Knowing this person was so creditable in your own mind that your own ministry had offered her a job—

Hon Ms Gigantes: No, my own staff had offered her a job, not the Ministry of Housing.

Mrs Marland: Oh, okay. But your staff in Toronto?

Hon Ms Gigantes: That's correct, at my Queen's Park office.

Mrs Marland: Okay. So that makes it even more personal, because your own staff wouldn't have offered her a job if she wasn't capable. So what I'd like to ask you is, if you knew all this about this person—I mean, this wasn't just Susie Jones from out of the blue that you didn't know; this is somebody that you actually knew a lot about.

Hon Ms Gigantes: I didn't know a lot about her, though I had spent a fair amount of time with her and I also had read a lot of material that she had produced.

Mrs Marland: So what I really would like to know is, knowing that much about this individual and knowing that she was good enough that you were going to give her a job in Toronto, why would it have taken all of these months for her to get a meeting with you, in fact a whole year to get a meeting with you?

Hon Ms Gigantes: Oh, she hadn't been trying to have a meeting with me for a whole year. She had met with my staff. But I want you to understand, Ms Marland, that if a ministry is to operate and a minister is to operate in the most effective manner, and I think in the manner that we would all like to see, then the minister is not to be involved in the administration of a ministry. There is no way that can be done, number one. Number two, we do expect the public service to do the administration of a ministry.

Certainly Ms Luu had had contact with the Ministry of Housing. There had been activities undertaken by the Ministry of Housing because of the material she had brought forward. In most cases questions of this nature don't end up with the minister having to meet a group.

Mrs Marland: So if the problems that she had brought to you, starting over a year ago, had been resolved, there wouldn't have been any need for the meeting on the 17th of June, I would suggest to you, because there wouldn't have been any more problems.

Hon Ms Gigantes: That goes without saying.

Mrs Marland: Yes, okay. Thank you.

Hon Ms Gigantes: They were not resolved.

Mrs Marland: They were not resolved. And this leads me to—I just want—this is one small piece of information, but you and I were both in northern Ontario for the same tragic funeral on the 28th of October, which was a Thursday.

Hon Ms Gigantes: Yes, that's right.

Mrs Marland: And I'm wondering if you recall the next day, Friday, the 29th of October.

Hon Ms Gigantes: Yes.

Mrs Marland: According to your calendar, you were in Ottawa, and I wonder if you recall being in your office at the same time that Trinh Luu and Sharron Pretty were.

Hon Ms Gigantes: On the 29th? No, I do not recall that and if I recall what happened on that day, I had had meetings scheduled in my office throughout the day. I found the funeral—this was the funeral of Bud Wildman's daughter. I found the funeral emotionally draining and came back—in fact got in touch with my constituency staff from Sault Ste Marie, asked them if we could put off till later most of the meetings during that day. I went to the office for an early meeting. I undertook a later engagement, but I cancelled—I believe I cancelled most of the activities during that day.

Mrs Marland: Yes, your calendar confirmed you had a meeting at 9 and a meeting at 6.

Hon Ms Gigantes: Yes.

Mrs Marland: And Ms Pretty and Ms Luu have both

told us that you were smoking in the room next door to where they were in their meeting with your staff and that actually, as they left, Ms Pretty said you said hello to Ms Pretty.

Hon Ms Gigantes: I cannot—

Mrs Marland: You don't recall?

Hon Ms Gigantes: I cannot tell you that that's the case. I don't think I lingered in the office after the initial meeting.

Mrs Marland: Does that mean you don't recall or—
Laughter.

Mrs Marland: Just a minute. I have to get this right. Does that mean you don't recall it one way or the other or you don't know if it happened?

Mr Owens: You're not Eleanore, I'm sorry.

Hon Ms Gigantes: Let us try and get to your point. Your point is that if they were coming to the office to meet with my staff—

Mrs Marland: Right.

Hon Ms Gigantes: —then instead, if I were available, they should have met with me. What makes you say that?

Mr Murphy: You didn't answer the question.

Hon Ms Gigantes: I think that that's the point.

Mrs Marland: I think it's my prerogative to be asking the questions at this time. How do you feel this hearing could have been avoided, Minister?

Hon Ms Gigantes: I suppose that it is in the nature of what has happened at Van Lang with the knowledge that has come to me as a result of all the materials that have been collected, and it's the materials rather than the testimony. We have discovered that—members of this committee have discovered that the people who were initiating the complaints over a period of a long, long time were people who were not prepared to see a resolution and who did not act in good faith. They did not act in good faith, they taped meetings, they taped telephone conversations without letting the other parties know that those telephone conversations were being taped. They appeared to take delight in withholding information from a person at a certain point in time, from creating little schemes and manipulations of people.

Mrs Marland: So you're saying—

Hon Ms Gigantes: I think that they did not act in good faith with the people in my office either at the constituency level or at the Queen's Park level and I believe further evidence of bad faith was that Sharron Pretty—I didn't know that at the time of the June 17th meeting, but she actually came to that meeting, she said in testimony, with a copy of her brief for court in her hand. She had tried to get a meeting. Then she argued that a meeting was too late. Then she gave Sue Lott reasons why, in spite of legal proceedings, there should be a meeting. The games that were played were thick and they were serious.

2300

Now, that is, in my mind, a lack of good faith. I am unwilling to say, and I don't think you would be willing either, Ms Marland—

Mrs Marland: The question was, how could we have avoided this hearing?

Hon Ms Gigantes: Yes. I'm unwilling to say that because there were people who in this instance were prepared not to act in good faith, that in other cases one assumes that people are not acting in good faith. I'm not prepared to do that. I think that the situation as we knew it was a situation in which there probably was no possibility of resolution, but I don't think we should have assumed that.

Mrs Marland: So you think that it's—

Hon Ms Gigantes: In fact your office felt that we should be able to resolve the problem.

Mrs Marland: Yes, I think my office dealt very honourably with this as a matter of fact and I was pleased to hear your staff say what they did about my office.

Hon Ms Gigantes: Yes. But certainly your conclusion—

Mrs Marland: But the point—

Hon Ms Gigantes: —was that there should be a resolution.

Mrs Marland: Excuse me. I'll tell you what my office did, again, because the point is, my office was very concerned about the fact that two citizens involved with a multimillion-dollar non-profit housing project in Ottawa had been trying to get a meeting with the Minister of Housing for over a year. And yes, staff had been involved, but the point was that the staff involvement had not provided a remedy for the problems.

There was in one blatant example six months to respond to a letter, and what my office felt—only, by the way, because at the request of Ms Luu and Ms Pretty, we were to try on their behalf to get a meeting with you, which they had not been able to do themselves. And when they phoned us, we had an option of two things, as you know. We had an option of taking it on to the floor of the House that day—

Interjection: What's the question?

Mrs Marland: Pardon?

We made the decision not to do that. We made the decision to do what those two people were asking us to do, which wasn't to go public and not to take it on to the floor of the House.

And I'm simply saying to you that when I asked you how this meeting, this hearing this week, could have been avoided, this hearing that has cost thousands of taxpayers' dollars could have been avoided, your answer is that two people, these two citizens, caused all the problem. There seems to be no acknowledgement on your part that your staff never resolved the situation so that it never had to get down the road so far that you would ever have been at risk, as a minister, of going into the meeting on the 17th of June where parties, both sides of parties to a legal action, were in the same room that you would now start to mediate, which was putting you at risk as a minister.

And I'm simply saying when I asked you, how did you think this hearing could have been avoided, your answer was, if these two women hadn't schemed and done their

little tricks and things. I want to ask you if you think your staff have done their job in this past year, and particularly I'd like to ask you how you feel about the most senior manager in eastern Ontario, your regional manager, Brian Sutherland, who seems to think that it's fine to have two versions of a meeting, a private internal memo that focuses on one item and a three-page public memo that covers everything except the item of your discussing the charges.

Hon Ms Gigantes: It wasn't a public memo. You won't wish to say that because you know it was not a public memo.

Mrs Marland: The three-page one?

Hon Ms Gigantes: I assume you're referring to the notes that he wrote during the month of July about the meeting?

Mrs Marland: Yes.

Hon Ms Gigantes: That was not public and it was twice, to my knowledge, put in evidence before this committee that it was not public.

Mrs Marland: How do you feel about the difference between those two memos?

Hon Ms Gigantes: Can I go back to the original point you were making? Your office and you, as I understand it, Margaret, took the request and the information provided by Trinh Luu to you in good faith. I think you and your office treated Trinh Luu, when she came to see you, in good faith. You treated her as if she were acting in good faith, and I would put it to you that the evidence that you have seen before this committee would now convince you that that probably put you at risk. And I think we're all at risk when we deal with people in public life, and when we provide services to people, we have to assume good faith. I did in this case, and you did in this case, and I think that the good faith was not returned in this case.

Mrs Marland: Are you saying that Trinh Luu was not acting in good faith and in the interests of her Vietnamese community who have this housing project in Ottawa?

Hon Ms Gigantes: I believe that the activities undertaken by Trinh Luu and by Sharron Pretty were not in good faith. That's correct.

Mrs Marland: Minister, have you ever sought, personally, advice from Justice Gregory Evans, the Conflict of Interest Commissioner?

Hon Ms Gigantes: Yes. Each of us, as far as I know, seeks his advice and guidance at least on an annual basis.

Mrs Marland: No, I'm asking if you have sought his advice on a personal—when we go for our filing, that's because that's something we're compelled to do under the act. I'm asking you, on an individual case, have you ever sought his advice about what your actions should be?

Hon Ms Gigantes: I think I may have actually. I cannot recollect the occasion.

Mrs Marland: Well, I would like to tell you, when you suggest that I may have been at risk, that I often seek his advice and I sought his advice quite recently before going before the Ontario Human Rights Commission with

a constituent of mine and I did not hesitate to seek his advice before I went. And I would suggest to you that perhaps that's what you should have done before you got involved with a case between two parties between whom there was a legal action.

Hon Ms Gigantes: Could I suggest to you in response that I have often sought the advice of the Premier of Ontario and the people with whom he works and I have had very good advice.

Mrs Marland: Is the Premier the person appointed to enforce the conflict-of-interest act?

Hon Ms Gigantes: We are—we have been discussing an even more rigorous set of guidelines.

Mrs Marland: Is he the person—is the Premier the person to enforce the conflict-of-interest act?

Hon Ms Gigantes: We're talking about the Premier's guidelines here.

Mrs Marland: I'm talking about the Conflict of Interest Commissioner and his role—

Hon Ms Gigantes: I do know who you're talking about.

Mrs Marland: —and I'm suggesting to you that if you had sought his advice based on the examples that are in his annual report, which have already been discussed, in fact you may have saved yourself a lot of trouble and, most importantly, you would have saved this province the cost of this hearing.

Hon Ms Gigantes: The cost of this hearing was a direct result of the fact that the opposition members insisted on certain facets of the hearing, which made it expensive, as you well know.

Mrs Marland: Oh. Would you like to tell us what certain facets of this hearing the opposition members are responsible for?

Hon Ms Gigantes: Yes.

Mrs Marland: Go ahead.

Hon Ms Gigantes: It is the fact that the hearings are complete with all the legal trappings.

Mrs Marland: On a point of order. Madam Counsel—could we stop the clock while I ask the counsel a question?

The Acting Chair (Mr Rosario Marchese): Go ahead.

2310

Mrs Marland: Ms Cronk, could you advise this committee at this point about how the decision was reached about whether witnesses coming before this hearing would have access to their own legal counsel if they wished, as you understood it?

Ms Cronk: My understanding on that issue is that the subcommittee determined, collectively and I understand unanimously, that, if witnesses who appeared before the committee sought to have their own legal counsel, that would be their right and that no effort would be made to prevent that. Is that the information you—

Mrs Marland: Thank you. Minister, I'm sure that you're aware that all the plans and all the decisions about the conduct of this inquiry were agreed to by a subcom-

mittee representing each of the three caucuses and everything was agreed to.

Hon Ms Gigantes: Yes.

Mrs Marland: So when you say that it's a fault of the opposition, it's almost ludicrous, because I would say to you, when you say that it's the opposition's fault that we had all these witnesses with all the legal counsel with them, have you had the advice of a lawyer?

Hon Ms Gigantes: I have.

Mrs Marland: And who's paying for that?

Hon Ms Gigantes: The Ministry of Housing will pay for that. I was conducting ministry affairs.

Mr Harnick: The taxpayers.

Mrs Marland: The Ministry of Housing, I would suggest to you, are the taxpayers.

Hon Ms Gigantes: The Ministry of Housing spends revenue which is taxpayers' revenue. That's correct.

Mrs Marland: Thank you.

Hon Ms Gigantes: Ms Marland, can I point out—

Mrs Marland: No.

Hon Ms Gigantes: —in response to your comment—

Mrs Marland: You've answered my question.

Hon Ms Gigantes: Well, you don't ask questions.

Mrs Marland: I'm going to ask you another question: Do you think, since you had the advantage of legal counsel before this inquiry at the expense of the taxpayers, that any other witness should come before this inquiry without the benefit of legal counsel?

Hon Ms Gigantes: I think that that is not the point. I think the point is that once the committee itself has decided to employ legal counsel, and that was an issue which was discussed, as I understand it, by the subcommittee—and you're right; there was agreement—our government did not wish to get into battles about how this committee was conducted, for the very good reason that all that does is give an opportunity for the opposition to say that we are resisting having a matter reviewed which we volunteered to have reviewed.

Mrs Marland: The ground rules for this inquiry actually were established with previous inquiries into other ministers of the crown that were being investigated, and I give you the example of another of your own ministers, Shelley Martel. I would suggest to you that the Premier called this inquiry because—you know, it's ironical. We ask the Premier for a lot of commissions of inquiry, and we've asked him for particularly an inquiry into the Workers' Compensation Board etc etc, and we never get an agreement from the Premier unless he wants it. And he actually offered—Hansard shows that the Premier offered to have this hearing.

Hon Ms Gigantes: That's right.

Mrs Marland: So don't blame this hearing, the process of it, the rules for it or the cost of it on the opposition, because the Premier offered to have it, and every other condition applying to how this hearing would be conducted was unanimously agreed upon, based on the precedent of the cost of the hearing in the Shelley Martel affair.

Hon Ms Gigantes: Ms Marland, I have the faith that at some point the Legislature of Ontario will become mature enough that we don't take every excuse to do entirely partisan things. I believe that it is part of the problem of public confidence in political life in this province. The same problem exists elsewhere, that the public lacks confidence in a situation where politicians engage in totally nonsensical partisan activities and arrive at situations where in fact we get into very extensive processes when, as the Premier suggested, we could've had a committee review without all the trappings of a Star Chamber inquiry.

Mr Callahan: You liked the Star Chamber when you were in opposition.

Mrs Marland: Excuse me. I would suggest to you that partisan activities had nothing whatsoever to do with you attending a meeting on the 17th of June in Ottawa between two sides of a legal action.

You went into that meeting knowing that there was a legal action. When you got to the meeting, you had a choice of withdrawing from it. You went ahead with the meeting between the person who had laid the charges and four of the people who had been charged. You knowingly proceeded with that meeting.

That has nothing to do with what you just said about partisan activities in the House, and you have said tonight that you have no concern about your attendance, you would do it again for the same circumstances, you have no regrets and you're obviously not worried about the cost of this hearing.

I ask you simply: Do you think, Minister, that you are above being investigated as a minister of this crown?

Hon Ms Gigantes: Ms Marland, when I first talked to the Premier on Monday the 20th of July about the reports and questions that had been raised about that meeting and we discussed it, he said to me, "Well, what's the best way to handle this?" I said, "To be as open as possible," and he said, "Well, would you be happy if I suggested a committee review?" I said, "Absolutely, because I think that that will allow an opportunity to be as open as possible."

Question period, as we know, is not a forum in which answers can be given in full and contacts can be given, nor are media scrums, and I did look forward to an opportunity before a committee of my colleagues in the Legislature to talk about what happened at the meeting.

I think that the Premier's offer was an offer made with the hope that we could have done this, as parliamentarians, in a way that was less fraught with exaggerated claims of all kinds and that we could've discussed what happened.

Mrs Marland: So you still don't understand the seriousness of the subject at this inquiry, do you?

Hon Ms Gigantes: I consider it very serious indeed.

Mrs Marland: You're saying that you consider it serious.

Hon Ms Gigantes: Yes.

Mrs Marland: And yet you think all we have to do is have a little friendly chat in the committee—

Hon Ms Gigantes: No.

Mrs Marland: —and lead evidence, where witnesses are not protected, with counsel while you as minister, giving evidence, are protected by counsel?

Hon Ms Gigantes: No, no, Margaret—

Mrs Marland: Sharron Pretty and Trinh Luu—

Hon Ms Gigantes: —I would not suggest that.

Mrs Marland: Excuse me, Sharron Pretty and Trinh Luu are two ordinary citizens. They're the same as you and I were before we were elected. They're ordinary citizens who are community minded. Whatever else you say about those two individuals, you can never take away from them that they are two individual women, bright, intelligent, tenacious and courageous, I would say, who had brought to your office—

Hon Ms Gigantes: Would you think it possible—

Mrs Marland: —over a year ago concerns about a non-profit housing project in which they were involved. They are proud of that project. They want it to be successful. They found there were things going on. I have not taken the time tonight, because the time doesn't exist, but there are all kinds of issues that I can't bring up tonight that I will be bringing up with you in the future to provide a remedy for the problem, if you're still the minister—

Mr Owens: That's a cheap shot. That's really low.

Mrs Marland: —the problems that go back to the 1992 Provincial Auditor's report about operating agreements, about the integration of tenants.

2320

Your own policies about how tenants are selected, who those tenants will be, the integration, the ages, everything else—none of those policies today Van Lang Centre complies with. There are 70 units in that building and 58 of them are occupied by one ethnic group: the Vietnamese.

The problem is that in over a year your staff in your regional office in Ottawa have not addressed those problems. Two individual private citizens, Trinh Luu and Sharron Pretty, tried to address them and they've hit their head against a brick wall for a whole year. You go into a hearing and you try to mediate after court charges have been laid. If you had mediated earlier, the court charges wouldn't have been laid, you wouldn't have been at risk, and we could have saved the public the cost of this hearing. The cost of this hearing, in my opinion, Madam Minister, is on your head because your staff did not do their job.

Hon Ms Gigantes: And your question is, who's supposed to believe this fairy tale of yours?

Mrs Marland: Mr Harnick will take the rest of my time.

The Chair: Ms Gigantes, if you can just reach the mike a little.

Hon Ms Gigantes: Should I repeat the question?

Mr Harnick: Mr Chair, how much time do I have?

The Chair: You've used 34 minutes and you've got 52.

Mr Harnick: All right, 18 minutes.

Minister, you said something that was, I suppose, just in passing when you were being examined by legal counsel. What you said—and I'm paraphrasing; correct me if I'm not accurate—was, "Sometimes when there's a lawsuit started, it makes it more problematic."

Hon Ms Gigantes: No, I'd never use that word.

Mr Harnick: Well, you said something to the effect that, "When lawsuits start, it makes it much more difficult to resolve these issues."

Hon Ms Gigantes: Oh, yes.

Mr Harnick: Do you agree that you said that?

Hon Ms Gigantes: Yes, I believe that where there is conflict and then there are legal proceedings, getting out of the conflict becomes much more difficult.

Mr Harnick: And it was with that philosophy in mind that you went to this meeting.

Hon Ms Gigantes: Is that not a philosophy you approve?

Mr Harnick: You're answering the questions. I hope you'll respect my opportunity to ask you questions and for you to make answers. If you don't respect that, maybe we should stop and decide what the ground rules are. Is that okay?

The Chair: Mr Harnick, just say, "Answer the question."

Mr Harnick: It's with that philosophy in mind that I understand you went to this meeting. Is that correct?

Hon Ms Gigantes: I wouldn't describe it as a philosophy; I think it's a very practical approach.

Mr Harnick: All right. With that practical approach in mind, you went to the meeting. And you knew there was this outstanding lawsuit, correct?

Hon Ms Gigantes: There were outstanding charges.

Mr Harnick: That's right, criminal charges.

Hon Ms Gigantes: They're charges under the Provincial Offences Act relating to the Ontario Corporations Act.

Mr Harnick: It's with the idea that those are there that you have a much bigger problem, correct?

Hon Ms Gigantes: It has not helped.

Mr Harnick: At some stage during the meeting, and we didn't really dwell on this much, you said, apparently several times: "Take your time. Think about it. Don't be pressured."

Hon Ms Gigantes: Yes. Actually, I think I used those phrases separately as well as together.

Mr Harnick: I gather that those phrases came up towards the end of the meeting when people were going to go off and consider something.

Hon Ms Gigantes: No, I used them throughout the meeting.

Mr Harnick: Were they used at the end of the meeting as well?

Hon Ms Gigantes: I certainly said at the end of the meeting, when date books were whipped out about the potential meeting: "No, we're not going to be pressured about this. Go away, think about it before you decide."

Mr Harnick: What I find puzzling is how picking a date is a pressurized item. What's pressurized about everybody pulling out their diaries and picking a date?

Hon Ms Gigantes: I disagree with you. Oddly enough, I felt very conscious of the fact that while Sharron Pretty had agreed, and clearly had agreed, and everybody in the room understood she had agreed that there should be another meeting, she still needed time to reflect about that, I felt. And I felt that if I were in a situation where she was being pressured to nail down a date—I'm not a negotiator here. I'm a minister. I felt very clearly that I was not just any old mediator here, that in fact because I was the minister, I had to make sure that she wasn't getting pressured to name a date.

Mr Harnick: Just so I understand it, the big pressure here, as you saw it, was (a) picking a date and (b) having another meeting, and that to you was a situation fraught with pressure.

Hon Ms Gigantes: Yes. I believed that for Sharron Pretty, under those circumstances, that was a big move. I felt that the board of directors had made big moves on other items that got us to the point where it was possible.

Mr Harnick: You see, Minister, when I hear that, I have a lot of trouble believing that picking a date or coming to another meeting is a particularly pressurized situation, in that you haven't given anything up, you haven't taken any step that you can't take back. All you're going to do is either go to the meeting on a particular date or not go to the meeting on a particular date.

Hon Ms Gigantes: Do you recall—

Mr Harnick: Now, hear my question. I haven't asked you my question yet. The problem I have is that some witnesses say that what we have here is an arrangement, and that's, I think, the way Dr Tang described what he thought came out of the meeting.

I also have evidence before us from Mr Sutherland. Mr Sutherland says, "In any event, I believe that the minister was able to convince Sharron and the other board members to work toward a resolution of the matter prior to the charges being considered." He obviously felt "the charges being considered" were a consideration.

And then we have the evidence of Ms Pretty. I appreciate that you don't agree with it, but she says the same thing.

But the real kicker in all this, it seems to me, is what your own assistant, who took the most copious notes of anyone there, said. What she said was, "Ev to the board—Can these things be resolved without legal proceedings and removal of directors."

When I listen to all that evidence, I say the real pressure is that people were about to give up the decisions they had just made: Sharron Pretty continuing with her charges and the board waiving their opportunity to remove Sharron Pretty as a director.

Hon Ms Gigantes: There was one member of the board, and I'm trying to recall which one—I believe it was Dr Truong—who gave evidence before this committee that he did not believe that the agreement to have a meeting implied that the board would drop the motion

against Sharron, and there was a point at which I believe he said that he thought the charges would proceed. I think that was a reasonable conclusion out of that meeting.

I also would suggest to you that Brian Sutherland's memo immediately after the meeting which suggests a time frame before the charges were heard was a very reasonable kind of time frame, because if there were going to be a meeting which produced any resolution it would have to happen in the near future. I felt it would have to happen in the next few days.

Mr Harnick: What bothers me is that you said to people, "Go away and think about it." There's nothing to think about when it comes to, "What date should we have another meeting?" That's nothing to think about. But there is something to think about when you're thinking about: "Should I withdraw the charges? Should I revoke the opportunity to remove her from the board?" What bothers me about what you tell me is that I could almost believe what you're saying if I didn't have a number of people, reliable people, saying completely the opposite. That's what bothers me.

2330

Hon Ms Gigantes: I don't think people said completely the opposite, except for Sharron Pretty.

Mr Harnick: I don't know what could be more clear. I don't know what could be more clear about the issue than your own assistant's notes: "Ev to the board—Can these things be resolved without legal proceedings and removal of directors."

Hon Ms Gigantes: Yes. I believe I said that. Could I add, Mr Harnick—

Mr Harnick: Let me carry on. No—

The Chair: Are you going to let her answer, or is it going to be one long question, or statement?

Mr Harnick: Oh, I have an answer. I was quite content with that answer, so let me just move along.

Mr Owens: She hasn't finished giving you her answer, Charlie.

Mr Harnick: We've been coming at this from several different ways, and one of the things you've been telling us is that no one ever talked about "dropping charges." Correct?

Hon Ms Gigantes: That's correct.

Mr Harnick: That phrase was never used.

Hon Ms Gigantes: It certainly wasn't used by me. It may have been spat out in one interjection.

Mr Harnick: But there was a phrase that was used by you, and that was "stopping all charges."

Hon Ms Gigantes: No, it was "stopping all actions."

Mr Harnick: I'm sorry: "stopping all actions."

Hon Ms Gigantes: Yes, against each other.

Mr Harnick: And what you said was that actions included making disparaging remarks about one another—I think that's what you said—actions included court cases, and actions included removal from the board.

Hon Ms Gigantes: That was what was implied in my mind.

Mr Harnick: That's what was implied in your mind.

Hon Ms Gigantes: Not precisely in those terms, but pretty close.

Mr Harnick: Pretty close. What I want to ask you is, how is that different from dropping charges, if that's what you were implying?

Hon Ms Gigantes: Can I remind you that when I—

Mr Harnick: Don't remind me, just answer me.

The Chair: Mr Harnick, let the minister answer. Hansard's having a hard time picking up because two conversations are going on at one time.

Mr Harnick: Can I ask legal counsel to instruct her to answer my question—

The Chair: She is answering your question, but you're jumping back in.

Mr Harnick: —as opposed to reminding me? I don't want a reminder; I want an answer to my question.

The Chair: Let her answer.

Hon Ms Gigantes: When it was raised earlier by legal counsel, and that question was raised earlier by legal counsel, Mr Harnick, what I said—now I've forgotten the question. I'm sorry.

Mr Harnick: The question's very simple. You said nobody talked about dropping charges.

Hon Ms Gigantes: That's right.

Mr Harnick: But what you talked about was "stopping all actions."

Hon Ms Gigantes: Right. Thank you for reminding me.

Mr Harnick: And I want to know what the difference is between you saying "drop charges" or saying "stop all actions."

Hon Ms Gigantes: Oh, absolutely. When I talked about actions including legal actions, I did say to counsel earlier that in fact—I don't know if I expected, but I feared that there would be further legal actions undertaken. I also feared that there would be further—you called them accusations against each other, but these were very serious allegations that were made to the media by Sharron Pretty. I expected further actions of that kind also.

Mr Harnick: But what I'm talking about is the existing actions. What you said, and you said it very clearly, and I have some real trouble with it—you said that implicit in what you were saying was the fact that you were referring to the court case, the motion to remove Sharron Pretty and the public allegations.

Hon Ms Gigantes: Yes, all those things too.

Mr Harnick: All right. So we're not just talking about potential things stopping in the future. We're also talking about your urging people—

Hon Ms Gigantes: To back off actions.

Mr Harnick: —to stop what is already going on.

Hon Ms Gigantes: Racking each other. Yes, I did. Yes, I did.

Mr Harnick: Thank you. I have no further questions.

The Chair: Mrs Marland, five minutes.

Mrs Marland: Minister, in fairness to the Van Lang Centre and the millions of dollars invested in that project and the fact that it's part of the non-profit housing program, which we know will have a grand subsidy of \$1 billion of taxpayers' money by next year, I think we need to know once clearly from you whether you think the fact that you have told this hearing in the statement that you filed with us that is part of the evidence, that you had been following these difficulties for a year, one year you'd been following difficulties. The taxpayers have all this money invested. What we need to know, recognizing that that project at this time is not in compliance with many of your own policies—and as I said, I haven't had an opportunity to take you through what those policy areas are in detail, but it's—

Hon Ms Gigantes: I can't accept the premise of your question—

Mrs Marland: Excuse me. I haven't—

Hon Ms Gigantes: —in several instances.

Mrs Marland: I haven't asked you the question.

Hon Ms Gigantes: Well, get to it, please. Please.

Mrs Marland: I don't think, Ms Gigantes, that you're directing this hearing yet.

Hon Ms Gigantes: I am here to answer your questions. Please ask one.

Mrs Marland: Some of the concerns that Ms Trinh Luu brought to your office a year ago and continued to be brought to your office and to your staff, all the way up to your top person, Brian Sutherland, some of those concerns are mentioned in the 1992 auditor's report.

Mr Owens: Oh, for God's sake.

Mrs Marland: They talk about accountability. They talk about tenant placement. One of the things the Provincial Auditor has said is that he has a concern that operating agreements do not exist in many of the non-profit housing programs under your ministry. He has the other concerns about lack of approved operating budgets. We have heard in the compliance review that the Van Lang Centre doesn't even review their financial statements, they don't even reconcile their bank statements, and haven't for a period of eight months.

Hon Ms Gigantes: But—

Mrs Marland: They signed blank cheques. I'm giving you all of these examples. With the fact that these concerns were identified by the Provincial Auditor in 1992, if you didn't want to listen to Ms Luu and Ms Pretty—all they were doing was bringing concerns about the Van Lang Centre which are exactly the kind of concerns that the Provincial Auditor had identified. I ask you one more time, do you think that to let those difficulties carry on, which by your own admission you followed for one year, means that your staff are fulfilling—

The Chair: Mrs Marland, you're over the time.

Mrs Marland: —their obligations to the public and doing their jobs?

The Chair: Okay. You can respond.

Mr Owens: I wouldn't dignify that with a response.

Hon Ms Gigantes: The work the ministry has undertaken with the Van Lang Centre indicates the seriousness with which the items which were raised by Trinh Luu in the first place and Sharron Pretty in the second were treated by the Ministry of Housing. The compliance report indicates the seriousness with which those concerns were treated by the Ministry of Housing. The continuing work of the Ministry of Housing with the board has indicated the seriousness with which the Ministry of Housing is determined to see any shortcomings—

Mrs Marland: Marc Collins is still concerned.

Hon Ms Gigantes: —any shortcomings addressed and the required changes made. These things, as you will know, Ms Marland, don't happen overnight.

I want to point out for any concerned members of the public that the building is in good shape. The taxpayers' investment, as you put it, is in good shape physically. There have been reporting problems, which have been addressed. There have been agreements required about tenant placement, which have been addressed. There have been changes, so when you refer to Van Lang and you refer to what happened in the compliance report, I would like you to take the care from here on in to refer to those in the past tense when they have changed.

2340

Mrs Marland: Marc Collins wasn't referring to this in the past tense.

Mr Winner: Minister, as you know, the inquiry was called to inquire into certain allegations of conflict of interest, and if I recall the Premier's words correctly, it was so that the facts of the matter could unfold, as they have during the course of this week. During the course of many hours, we heard countless versions of what led up to the June 17th meeting and what occurred at the June 17th meeting, and we've also reviewed an array of documents, somewhat bewildering, that were often conflicting and contradictory.

But at the end of the day, when I go home, I'm going to have to ask myself several questions. I'm going to have to ask myself whether you as the Minister understood the conflict-of-interest guidelines, what were your expectations going into the June 17th meeting, how you conducted yourself at that meeting, and finally, I'll be asking myself whether in fact you considered the public perception of what you were doing during the course of the meeting.

You've indicated to Ms Cronk during her examination earlier in the day that you agreed that the conflict-of-interest guidelines were designed to enhance public confidence and trust in the integrity of government. Do you agree?

Hon Ms Gigantes: I certainly did that, and I do agree.

Mr Winner: And I understand that you in fact, during your discussions in cabinet and elsewhere, were somewhat instrumental in helping to formulate those guidelines?

Hon Ms Gigantes: I don't want to make any special claim, but they are a matter of great interest to me.

Mr Winner: When Ms Cronk read to you a

statement that the Premier made on December 12th, 1990, when he introduced the guidelines, that he was committed to the establishment of guidelines and codes in legislation on ethics but he also realized that nothing we commit to paper can substitute for common sense and a well-developed sense of public duty, do you subscribe to that?

Hon Ms Gigantes: I think that's probably the case, but I do think guidelines are important.

Mr Winninger: When you were asked for the meeting of June 17th, you've indicated that you asked, and were told, whether or not legal proceedings had been commenced by Ms Pretty.

Hon Ms Gigantes: I was well aware that legal proceedings had been initiated by Ms Pretty, that the actions were by the crown.

Mr Winninger: And you assured yourself as to the nature of the charges, that they were in provincial offences court and that they were by Ms Pretty against board directors. Is that correct?

Hon Ms Gigantes: And they were related to the Ontario Corporations Act.

Mr Winninger: We also heard that Ms Marland, through her executive assistant, had contacted your own assistant, with a view to inquiring whether or not a meeting might take place between you and Ms Pretty and Ms Luu, at least.

Hon Ms Gigantes: I cannot give testimony to that because I don't know the exact nature of the request that was made, but I can give testimony that I was told by Marc Collins that the request was that we get it cleared up, and my understanding of what he was telling me was that I was supposed to take this in hand.

Mr Winninger: Given the contact from Ms Marland's office, and she knowing of the charges, it would seem that she at least thought it was proper that you consider meeting with the complainants.

Mrs Marland: A point of order, Mr Chair: I think it only fair that the references to what the involvement of my office was are accurate. At no time was I asking the minister to meet with Ms Pretty or the board.

Mr Winninger: I'll rephrase the question.

Mrs Marland: The meeting we requested was with Ms Luu. This member is misstating—

Mr Winninger: Could the clock be stopped for a moment?

The Chair: He's going to wind up changing the question.

Mrs Marland: He's misstating the evidence. The evidence is that my office—

Mr Winninger: Well, I said—

Mrs Marland: Let me finish.

The Chair: But the thing is—

Mrs Marland: My office asked for a meeting which—

Interjections.

The Chair: Ms Marland, they have until 12 o'clock. You're running their time out. They didn't run your time out.

Mr Winninger: I'll rephrase the question, Mr Chair.

Mrs Marland: You've tried that three times, Mr Winninger.

Mr Winninger: You've indicated, Minister—

Hon Ms Gigantes: I'm going to reject your initial question on the grounds that I couldn't speculate.

Mr Winninger: You've indicated, Minister, that you acknowledge that there are situations in which a minister has to be careful of how one's ministerial role does affect people.

Hon Ms Gigantes: Yes indeed.

Mr Winninger: What was your intention going into the meeting on June 17th? Was it, as you've stated, to try to solve problems if that were at all possible?

Hon Ms Gigantes: That's why I stated it, but also I thought an initial step in the meeting would be to hear the sides. It was clear I was going to hear the sides confront each other for a bit. I expected that and, as I suggested to the people in the room at the beginning of the meeting, I hoped I would be able to assist.

Mr Winninger: Would it be fair to say that you weren't going into the meeting with a view to taking anyone's particular side?

Hon Ms Gigantes: Absolutely.

Mr Winninger: You've indicated, with a refreshing candour, a view of the meeting that was somewhat contrary to what some of the other witnesses said. They did say that your approach was one that was conciliating and one of calmness, but you've described a meeting where there were tensions and people at loggerheads with one another.

During the course of that meeting, however, you indicated that you were pleased that there was an accommodation reached on certain elements in dispute. You mentioned that those involved the access to information regarding vacancies, referrals and tenant placements.

Hon Ms Gigantes: Yes. It was an offer by the board to provide Sharron Pretty with the information which would allow her to monitor and make sure that her concerns about tenant placement were being addressed.

Mr Winninger: It appears also, in your view, that the issue of personnel was also resolved?

Hon Ms Gigantes: I'm not sure about that, but the offer by the board chair that the board would be willing to look again at the issue of a project manager, as opposed to having a situation in which there was a superintendent and a part-time office staff, I considered to have been a hopeful kind of development.

Mr Winninger: Did it appear to you that the parties on the whole were happy with the result on those two issues, at least?

Hon Ms Gigantes: Were they happy? I don't think there was happiness about them, but they were earnestly and openly undertaking offers or agreements.

Mr Winninger: There were some other issues that were referred to and discussed. It was your evidence and it was also the evidence of Audrey Moey, and her notes apparently indicate, that there was movement towards a

resolution of the other issues, and that might involve a future meeting and—

Hon Ms Gigantes: There was an agreement by Sharron Pretty that the remaining major outstanding issues in her mind were the question of tenant access and the question of tenant participation. She had identified those as the two core issues, and when I suggested to the board that they be willing to go through a meeting with her about those two issues, they expressed their willingness to do that.

Mr Winninger: And that meeting could or could not perhaps involve the intervention of the non-profit housing association?

2350

Hon Ms Gigantes: Yes, and I should also mention, as counsel did earlier, I believe, perhaps not with me, perhaps with another witness—I've even lost track of testimony that far at this stage—that there had been—now I've forgotten what I'm going to say. I think I'm just getting too tired.

Mr Winninger: Sure. Well, fortunately we're going to wrap up the questions soon anyway. I indicated to you that it was the evidence earlier of Audrey Moey that if there could be a movement towards a resolution of these issues, then you said that may perhaps be of interest to the crown.

Hon Ms Gigantes: Ah, If I could go back for a sec, I remembered what I was trying to—

Mr Winninger: Yes.

Hon Ms Gigantes: —say earlier. It was that there had been an identification for a long time by Trinh Luu, by Sharron Pretty, that the two major issues they wanted addressed, the two core issues they wanted addressed, as they call them, were tenant participation and the tenant access issue. Now, the other question—so it was significant that there was agreement that the meeting would involve those two issues, the new meeting, if there was to be one.

The other question you were asking me had to do with—I'm sorry.

Mr Winninger: Oh, the other question I asked you had to do with your comment, or words to the effect, if there could be a movement towards resolution of the outstanding issues at a future meeting or otherwise, your comment was that that might be of interest to the crown.

Hon Ms Gigantes: Yes.

Mr Winninger: And at that point in time, was it your intention in any way to influence the course of justice, to encourage Susan Pretty to approach the crown and drop charges?

Hon Ms Gigantes: Not in the least, and I was engaging, following on Sharron Pretty's question, in an attempt to think through what the implications would be were Sharron Pretty to come to the position where there was an understanding that major issues which had been raised by her for many months were now resolved or getting resolved, and she could get an understanding that she hadn't had—perhaps, in my mind, I thought perhaps because she hadn't been in attendance at the major part

of meetings in the recent past.

Mr Winninger: And when people took out their date books to plan a meeting, it was actually your suggestion that people take time to resolve their own positions?

Hon Ms Gigantes: I don't think you will find out one other person who has come before you to present evidence who remembers it that way. That's the way I remember it, and I don't remember Sharron Pretty demanding that time be taken, which is the way apparently almost everybody else remembers it. I remember actually saying, "No, no," and putting my hand out like this to say, "No, no, no, we're not going to do that."

Mr Winninger: And it was your desire to reduce the pressure on Susan Pretty—

Hon Ms Gigantes: Sharron.

Mr Winninger: —Sharron Pretty, so that she could make her own decision in that regard, just as you expected the other parties would come to their own decisions?

Hon Ms Gigantes: Yes, but I felt it particularly important that she have that time.

Mr Winninger: And at the end of the day, it was your view that people appeared to be content with the resolution that was reached at that meeting?

Hon Ms Gigantes: There was a fair amount of almost jubilation. There was a relief that was tangible. There was—people started to make a couple of jokes; you know, it was just a great relief.

Mr Winninger: I guess the final question I'd like to put to you is, in your view, do you think you used your influence as a minister to advance the cause of any particular constituent or to influence the course of justice?

Hon Ms Gigantes: I don't believe that I was aware that anyone in the room lived in the riding of Ottawa Centre, so I don't think that that's a matter that I, you know—I'm sure that had no influence on me and it certainly was not my purpose, and I believe that I was very careful to suggest nothing in any way that would either influence the course of justice or influence anybody so that the course of justice would be changed.

Mr Winninger: Thank you.

Mr Callahan: Mr Chair, I didn't want to interrupt Mr Winninger when he asked the question, but it's really late at night and I think I'm losing it, but I just want to get something clear. He asked a question of the minister, what her intention was before she went into the meeting, and I thought she said it was to get them together, get those parties together. Is that right?

Mr Winninger: I believe that's what her answer was in response to my question, but also earlier.

Mr Callahan: Get the sides together—

The Chair: Mrs Mathysen?

Mrs Mathysen: Thank you, Mr Chair. Just one question, Minister: You stated that it was your responsibility as the minister to help the Van Lang board deal with its difficulties. If you had not had the meeting of June the 17th, what do you believe would have or could have happened to the Van Lang Centre?

Hon Ms Gigantes: Well, their annual general meeting was coming up. I wasn't aware when we were arranging our meetings that their annual general meeting was so close in time, as a matter of fact, nor did Trinh Luu in the meeting of the previous week indicate that to me. So I guess that they would have had a change of their board membership. Certainly I would expect that they would have gone ahead with the special meeting removing Sharron Pretty, which did not happen as things turned out, though she was not re-elected to the board at the annual general meeting, which I believe occurred about a week ago or so—just a week ago, I believe; less than a week ago.

The world would not have collapsed, but—and the building would not have collapsed. But if the level of accusations and actions continued to escalate, and I believe that there is still a potential for that, then it makes it much more difficult for a board to operate. It may be with the changes on the board at this stage and all that has happened, there may be a—what has happened may mean that the new board will not face some things that otherwise they might have had to face. There's no way of knowing.

The Chair: Okay. Ms Cronk.

Ms Cronk: Thank you. Ms Gigantes, I only have one or two questions. In the course of an exchange with Mr Murphy, you started to indicate with respect to the annual report, this year's annual report, 1993-94, of the Commission on Conflict of Interest, that you considered incident number 21 in that report to in some way be analogous or helpful to consideration of the situation that you were in. You did not complete that answer. Was there something you wanted to add about that?

Hon Ms Gigantes: No, not really. I thought it was closer—I don't know that it's analogous, but I thought it was closer to this case than the case that he was raising.

Ms Cronk: I wanted to give you an opportunity to do that, and I want you to take a look at it. Can you confirm two things for me: first, that inquiry number concerns a pending civil proceeding between a businessman and a bank?

Hon Ms Gigantes: It doesn't say that.

Ms Cronk: What is your understanding of the nature of the proceeding that's being described in that inquiry?

Hon Ms Gigantes: It says, "A constituent, a small businessman represented by a lawyer, is involved in legal proceedings with a bank." It doesn't describe the nature of the legal proceedings.

Ms Cronk: When you considered this as being closer or more helpful than the inquiry that Mr Murphy was drawing to your attention, did you make the distinction between the type of proceedings that we talked about earlier, that is, a civil proceeding, or one pending under the Provincial Offences Act?

Hon Ms Gigantes: No, I did not look at it in that light. The light I looked at it in was the case that he was raising was one involving an action against the government.

Ms Cronk: And that, of course, was not the situation either in that respect?

Hon Ms Gigantes: That's correct.

2400

Ms Cronk: And secondly, still with respect to inquiry number 21, as I read it, and please indicate if you agree, what Judge Evans is saying is that in the context of those kinds of proceedings, it was permissible for the member to meet with one of the parties to the proceeding to speak about it, but that the legal issues should remain with the lawyers for settlement.

Hon Ms Gigantes: Oh, yes.

Ms Cronk: And you also indicated in the course of your evidence—and I'm sorry, it was this side of the room and I don't remember who, but there was something that you wanted to say about having discussed or considered the comments in Audrey Moey's notes that have been put to you. You know, the passage from Audrey Moey's notes that have been put to you?

Hon Ms Gigantes: Yes.

Ms Cronk: Were you about to offer to the committee some understanding based on a discussion that you had with her, because, if so, I'm not going to invite you to do that, but if it was your understanding of what was said at the meeting, then you should be given an opportunity to comment on that.

Hon Ms Gigantes: I'm sorry, I've completely forgotten what might raise this question with you.

Ms Cronk: Okay. You were being asked a series of questions and in the course of them you were asked to compare the difference between what was in Audrey Moey's notes of what you had said about legal proceedings and stopping all actions and in that context you started to say something about that passage in the notes and you were unable to complete it. I'm simply giving you the opportunity, if it is your understanding of events, to say whatever it was that you wanted to say. It's hard to go back, I know.

Hon Ms Gigantes: Well, it's not only hard to go back, I think that it's probably impossible to go back. I'm sorry, I'd love to—

Ms Cronk: Quite all right.

Hon Ms Gigantes: I'd love to—

Ms Cronk: Having now given you an opportunity to comment on those two items, I just want to make sure that I didn't misunderstand something you said, which I hope was in passing. Is there something about the way this investigation and hearing has been conducted by this committee since its referral to this committee that you regard as constituting a Star Chamber inquiry? Because if so, I would like to know about that before you leave.

Hon Ms Gigantes: Oh, no, no, no. No, no. No, when I used that term, I certainly did not wish to reflect in any sense upon the conduct of this committee. What I'm reflecting on is the grand scale, and that has been a choice which has been pressed on the government by the opposition and it was a choice really that was determined by the fact that the committee has been constituted with independent legal counsel, which means in turn that every person who appears before the committee feels that it is wise to have legal counsel, which then means that the

committee has to assist in the payment of legal counsel, and of course, that's what becomes the expense, and that's what I was talking about. And my criticism is not on the conduct of this committee, it is on the conduct of our House.

Ms Cronk: In that context, would you agree with me, Ms Gigantes, that it is important that members of the government and in particular ministers of the crown be and be seen to be accountable in and to the public?

Hon Ms Gigantes: Absolutely. We can do that, I think, much better than we do, and I would also like to say on that point that I didn't think it necessary that we call outside witnesses, frankly. I thought at the beginning that if the members here wanted to grill me and question me, I was quite prepared to have that happen without—and have people make accusations outside this room which I'd have to respond to within this room.

Ms Cronk: I understood the point you were making earlier to Ms Marland and that you've now made to me, but would you agree with me about this, that if there are questions of public confidence that arise because of a particular minister's conduct on any given occasion and if it is the view that those require public airing, I take it you would not object to that?

Hon Ms Gigantes: Quite the contrary. I was pleased by Bob Rae's suggestion that we should have a hearing; quite the contrary.

Ms Cronk: All right. And then finally, Ms Gigantes, again, so that I understand, you had an exchange with Mr Callahan in which he suggested to you that your approach as taken in this situation was in favour of mediation, or that it was a mediator's approach; I didn't get his exact language. Is that the approach that you intended at the time and that looking back on it you believe you pursued, with respect to the June 17th meeting?

Hon Ms Gigantes: Yes, but there are certainly limits to a minister's role in mediation, in my view, because a mediator who, for example, acts for a government ministry, a mediator who is a private mediator who is hired by parties, is responsible to those parties, but a minister who takes on a mediating role is also a minister.

Ms Cronk: Would you agree with me that when one acts as a mediator and one is also a minister of the crown that that is potentially a very difficult thing to do when there are court proceedings pending?

Hon Ms Gigantes: Of course.

Ms Cronk: It's a very problematic role.

Hon Ms Gigantes: I don't use the word.

Ms Cronk: You don't like the word "role" or "problematic"?

Hon Ms Gigantes: Problematic.

Ms Cronk: All right. I'm suggesting to you that when Mr Callahan suggested that the concept is one of a fine line, that it's really more of a slippery slope, would you agree with that?

Hon Ms Gigantes: No, I think it's an area which has to be very carefully bounded, is how I'd describe it.

Ms Cronk: Can we go this far together, that it's very difficult to discharge that kind of a role when there are

court proceedings pending and ensure that no one involved misinterprets what you're doing or that you don't cross the line; that's very, very hard to do?

Hon Ms Gigantes: I think that it's possible for people to misinterpret and there to be no difficulty.

Ms Cronk: And for that reason if no other, it's very, very hard to do?

Hon Ms Gigantes: I fully agree.

Ms Cronk: Indeed, the very fact that people have come before this committee and appear to have a misunderstanding or an understanding different from your own in some respects as to what occurred at that meeting is an indication of how very difficult it is?

Hon Ms Gigantes: No, I think that what we saw before this committee is not so much a misinterpretation or a different interpretation of what happened at the meeting; I, frankly, attribute it more to the claims that have been made about what happened at the meeting and the public brouhaha that happened.

Ms Cronk: I certainly understand that in the case of some of the people who have come to testify before the committee that is your view, but we've heard from a great many witnesses; there were nine people there.

Hon Ms Gigantes: That's right.

Ms Cronk: Exempting yourself, there are variances on the evidence, which I know you have heard because you were good enough to tell me that, between their recollection of what occurred at that meeting.

Hon Ms Gigantes: Yes.

Ms Cronk: And I'm putting the proposition to you that in a situation of that kind it is often ripe for misinterpretation and that too makes it a very, very difficult role for a minister of the crown to discharge.

Hon Ms Gigantes: It is difficult, but you will also accept with me, I believe, that witnesses who come before an inquiry such as this one, where there has been so much—such a wide and woolly amount of public allegation, are going to feel a great deal more tension about speaking candidly than they would in other circumstances.

Ms Cronk: Well, what my own views are on that, Ms Gigantes, are probably totally useless.

Hon Ms Gigantes: Mine may be too.

Ms Cronk: May I suggest this to you as well, in fairness to you, there are also situations where sometimes people hear what they wish to hear as opposed to what is said.

Mr Owens: Absolutely.

Hon Ms Gigantes: We all do that.

Ms Cronk: When I require an answer from the right, I'll let you know.

Mr Paul Johnson: It wasn't me.

Interjections.

Ms Cronk: Is there anything else you'd like to add about the June 17th meeting that you haven't told the committee?

Hon Ms Gigantes: I think that we have gone through it in as much detail—

Ms Cronk: As you care ever to.

Hon Ms Gigantes: —as possible and certainly as my brain allows.

Ms Cronk: Thank you very much, Ms Gigantes.

Hon Ms Gigantes: Thank you.

The Chair: Thank you, Minister. That was eight and a half hours. I didn't think it would take eight and a half hours for a one-and-a-half-hour meeting that you attended.

Mrs Marland: Mr Chairman, before we adjourn, I have one thing—

The Chair: Don't worry, Margaret. Margaret, I will get to you. The Chair has the floor right now. Okay, I'd like to thank all the witnesses that appeared before the committee, and I mean some of them had stayed here close to two to three days to wait their turn, and they had patience. I'd like to thank the subcommittee. Most of the decisions that were made for this committee were done by the subcommittee; had to only go back to the House leaders just to extend one day, I believe, so that's work well done by the subcommittee, and it was an honour to be a Chair of the subcommittee that cooperated and made a lot of changes and a lot of hard decisions, which no one wanted to move but everybody did move.

The other thing is that all the committee members that are here—and the books that are in front of you, you can take them home this weekend and bring them back to committee room 1 so you have some good reading. The other thing is that the staff's been here—we were supposed to finish at 6 o'clock and a lot of them had plans to leave at 6 and, as you can see now, it's after midnight, so I'd like to thank the interpreters and Hansard and the ones behind the cameras and the clerks also for being with us here. Especially, I'd like to thank Mrs Cronk on the excellent job that she has done, and Mr Hourigan for assisting her in her job.

The other thing is that I want to make an announcement before I go to Ms Margaret Marland, that we'll be meeting at 10 am in committee room 1 on Tuesday, and the materials that we've got here we can take down to the committee room. Tonight it'll be locked.

Ms Marland, you have a comment?

Mrs Marland: Mr Chairman, I think it's appropriate, at the end of what has been an extremely long and difficult week for all of us sitting in this room for 12 and 14 hours at a time, to put on the record my personal appreciation, and that also of my colleague Mr Harnick, of the excellent job that you have done as Chairman. You have been completely fair to all three caucuses, and I think it's a credit to you that we have had almost no partisan difficulties at all and I think that reflects very much on your chairmanship.

The other thing I want to put on the public record is that I have never taken part in this kind of inquiry before—my colleague Mr Harnick has—and my experience, not knowing what to anticipate, I must say publicly that I think that Ms Eleanore Cronk and Bill Hourigan from Fasken, Campbell, Godfrey have done a tremendous professional and—

Mr Callahan: This is the commercial.

Interjections.

The Chair: Let's not break our record.

Mrs Marland: —exemplary fulfilment of their responsibility of counsel to this committee. We are personally grateful for their performance, their role and the fulfilment of that responsibility.

Ms Cronk: Thank you very much, Ms Marland.

Mr Callahan: I don't want to go through the same accolades except to say that I practised law for about 30 or 35 years and I have to say I have never seen—I don't know how you stayed awake, the two of you, to do it, because I'm falling asleep and I didn't do anything, but I really have to say that I'm amazed. I remember flipping through the notes here and there was something about—I don't want to leave you out, Mr Hourigan—but something about the whiz kid or something. I believe it and I think you did an excellent job, and Ron, you're a super guy. You kept us from punching one another out, so I thank you for that.

Mr Marchese: I move a motion of concurrence on that.

Mr Owens: Motion to adjourn.

The Chair: Okay, this committee is adjourned.

The committee adjourned at 0013.

CONTENTS

Friday 12 August 1994

Continued from volume A

Alleged breach of conflict-of-interest guidelines	M-775
Evelyn Gigantes	M-775

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

- *Chair / Président:** Hansen, Ron (Lincoln ND)
- Vice-Chair / Vice-Président:** Wessenger, Paul (Simcoe Centre ND)
- Dadamo, George (Windsor-Sandwich ND)
- *Johnson, Paul R. (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)
- MacKinnon, Ellen (Lambton ND)
- *Mathysen, Irene (Middlesex ND)
- McClelland, Carman (Brampton North/-Nord L)
- Morin, Gilles E. (Carleton East/-Est L)
- Sterling, Norman W. (Carleton PC)
- Sullivan, Barbara (Halton Centre L)
- *Sutherland, Kimble (Oxford ND)
- Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Callahan, Robert V. (Brampton South/-Sud L) for Mr McClelland
Chiarelli, Robert (Ottawa West/-Ouest L) for Mrs Sullivan
Harnick, Charles (Willowdale PC) for Mr Villeneuve
Marchese, Rosario (Fort York ND) for Mr Dadamo
Marland, Margaret (Mississauga South/-Sud PC) for Mr Sterling
Murphy, Tim (St George-St David L) for Mr Morin
Owens, Stephen (Scarborough Centre ND) for Mrs MacKinnon
Wininger, David (London South/-Sud ND) for Mr Wessenger

Clerk / Greffière: Freedman, Lisa

Staff / Personnel:

Cronk, Eleanore, counsel to the committee
Hourigan, William, counsel to the committee
McLellan, Ray, research officer, Legislative Research Service

CAZEN

X620

L20



M-28

M-28

ISSN 1180-436X

Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 16 November 1994

Journal des débats (Hansard)

Mercredi 16 novembre 1994

Standing committee on the Legislative Assembly

Draft report,
Municipal Freedom of Information
and Protection of Privacy Act

Chair: Ron Hansen
Clerk: Lisa Freedman

Comité permanent de l'Assemblée législative

Rapport préliminaire,
Loi sur l'accès à l'information
municipale et la protection
de la vie privée

Président : Ron Hansen
Greffière : Lisa Freedman



50th anniversary

1944 – 1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 16 November 1994

Mercredi 16 novembre 1994

The committee met at 1545 in room 151.

DRAFT REPORT,

MUNICIPAL FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT

The Chair (Mr Ron Hansen): Today the subject will be draft number 2, revisions to the draft report of the committee review of the Municipal Freedom of Information and Protection of Privacy Act. I think what would be best is if we started off with Ms Swift to update us from June 22, 1994, our last meeting.

Ms Susan Swift: This draft number 2, dated October 25, 1994, reflects the changes that the committee made during its six meetings from May until the end of June, three of them in subcommittee and three with the full committee.

There are two issues that are still outstanding, for which the instructions were either not clear or for which there weren't any instructions, and we can deal with those first or we can go through the report quickly chronologically. My suggestion is, there are 25 areas that I've identified where I think the committee should look at the wording. I don't think so much that the question of concepts is an issue as much as the wording, and perhaps some of the rationale for the recommendations was changed and the committee might want to look at that.

My suggestion would be that we start with where the substantive changes occur in the report, and I could direct you to where you should start reading. We could read those quickly and if there are any questions or suggestions for changes, we could do it that way, if that's what the committee would like to do.

The Chair: Agreed? Okay.

Ms Swift: The first issue then is the issue of extending coverage of the acts. If you turn to page 11, the paragraph beginning, "The committee believes that public institutions such as the province's hospitals," if you start reading from there until the middle of the next page, you'll see the rationale in the recommendations.

Mrs Barbara Sullivan (Halton Centre): I wonder if we could ask Ms Swift to bring us up to date on the committee's reasoning with respect to extending further the freedom of information act to hospitals in particular. I know Mr Wessinger and I were both involved in other committees at the time and there are some concerns respecting hospitals, in particular with respect to privacy, that may or may not be covered in other parts of this report.

Ms Swift: Yes. I should begin by telling you that the committee, in 1991, submitted a report on the provincial

freedom of information act and at that time it was suggested to the committee that it make a recommendation including hospitals in that report. The committee indicated at that time that it was reluctant to do that because the Ministry of Health had indicated that it was then involved in a process of reviewing all of the health-related information issues as part of a global health care information access and privacy act, and for that reason they left it. This committee noted that no further movement had been made on that score and felt that it was time that it be undertaken.

If you read on, you'll notice that the committee recommends that consultations be undertaken with all of the stakeholders, including hospitals, to identify those areas of unique privacy and access needs for each of those institutions to ameliorate or get rid of any potential barriers to the implementation of freedom of information statutes to hospitals and other institutions.

Mr Jim Wiseman (Durham West): On this, Ms Sullivan, we heard from a number of deputations who were concerned that their records were inaccurate, that they wanted to make them correct. We heard from deputants who felt they should have access to their own records in order to view them and to know what was in them and to have the ability to update and to correct any factual errors that may be in them, but couldn't even get into their own records. Therefore, there was some question as to whether or not the process should be opened up.

There was never, I don't think, any question about making sure that the general public has no access whatsoever to a person's medical records, but it was that one small group of people who wanted to know what was going on in their own records.

Mrs Sullivan: So those records are covered under different statutes, and individuals do have the right to access their own medical and other therapeutic records.

Ms Swift: I believe there was a concern about the operational information about financing of hospitals and things like that that came up.

Mr Wiseman: That's true. I forgot that, yes.

The Chair: The clerk is going to get the Hansard for the first meeting we had. I think in that first meeting we had, and that is getting close to a year ago, there were some, let's say, guidelines or areas that we would be taking a look at. Just to refresh our memories, being a year ago and this committee's dealt with other issues throughout the year, there may be a copy of that and we can pass it around to the members who are on the

committee today, because I think we have a few new members who were not here when we started. But, Jim, you've got a good memory, I can tell you.

Mr Paul Wessenger (Simcoe Centre): I'd just like to add that I think it was the position that, ideally, separate legislation would be the best way to proceed with respect to the whole health area, but it was felt, as indicated, that in view of the time frames, this would be a good step, to try to look at extending the act to public institutions.

The Chair: I believe so. Mr Sterling.

Mr Norman W. Sterling (Carleton): I have no trouble with the recommendation as it lies. The only thing that I didn't quite understand, Susan, from the recommendation was, when you talk about the consultations, how does this envisage that they would take place? Does it say the government will bring forward pieces of legislation and then a legislative committee would react? Does it mean that this committee or another committee of the Legislature would undertake to provide a report on these three kinds of institutions to advise the government as to how it might undertake applying freedom of information and privacy to (1) hospitals, (2) universities, (3) children's aid societies? It's not very specific in that regard.

Ms Swift: No, it wasn't. If you'll recall, the committee at first expressed the idea that perhaps what it would do is start a second round of this legislative review and look at specific institutions and specifically the issue of extending coverage.

It was thought that was not a good idea and that instead there be something a little vaguer, I guess—I don't know if that's the word—but something a little less directed be included as a recommendation. In other words, the committee would raise the issue that it was important to extend coverage as quickly as possible, but that it must be done with the moderating influence of making sure that the appropriate institutions and persons are canvassed before that goes ahead. So there was no real discussion about the mechanism that it would take.

The Chair: But I believe we had a few witnesses who appeared before the committee with concerns in those areas.

Ms Swift: Oh, yes; that's right.

Mr Wessenger: I think we've added the words "social service agencies" in the whole category here because there was concern about the whole aspect of the broader public sector. Where those agencies were receiving their source of funding was government so there ought to be accountability with respect to freedom of information.

The Chair: I didn't hear the end.

Mr Wessenger: I was just saying there would be accountability through the freedom of information act that should apply to those agencies which are funded by government.

Mr Sterling: I just think that if people want this to happen, then there would be an opportunity if we said that this committee wanted to undertake hearings and start down the path, one after the other, and say we're going to hold consultations. We had this in our first

report, that this was going to take place, and now we want to say to the hospital community, "How should this be done?"

I think it's more likely that it will happen some time in the future. Whatever government we have in 1995 may or may not pick up and do that, but once you start the consultations, you sort of start the ship down the canal in terms of it happening. So I would have preferred us to say that the Legislative Assembly committee should at some time in the future undertake to start consultations as to how this best can be done.

The Chair: Does everybody agree with that recommendation?

Mrs Sullivan: No. I think the current wording is quite appropriate.

Mr Wessenger: I agree with that.

The Chair: With the current wording?

Mr Wessenger: Yes.

Mr Sterling: Let's go on to the next one.

Ms Swift: The next one deals with the issue of law enforcement investigations, and more particularly the complaint that sometimes those investigations are interrupted by untimely research requests. If you look at page 22, the very bottom paragraph, and read to "routine inspection reports," it will give you the thrust of the committee's reasoning on this.

It's my understanding that the committee just wanted to highlight this as an issue and also highlight the possible solution to the problem, but did not want to make any recommendation for amendment.

Mr Wessenger: That's right. We didn't have sufficient information to make a recommendation. That was the opinion at the time.

Mrs Sullivan: That's fine.

Ms Swift: The next one is on 34. This deals with section 14 and the interrelationship of subsections 14(2) and (3) and the suggestion by the commissioner that those categories where there is a presumed invasion of personal privacy be reduced.

Mr Wessenger: This will give more flexibility in determining—am I correct? The effect of this would be to provide probably more access to information.

Ms Swift: I think you're correct. It would allow more flexibility in the interpretation of the act, and therefore allow greater access. As I understood it, the committee's hesitation was that somebody who was coming to draft an amendment to the act would not really know the harm that was envisaged, for which the amendment should be made, so that it should not be a broad amendment but it should be limited to identified problem areas.

Mr Wessenger: Was this sort of in relation to some of the concerns raised by some of the groups that felt there were some extreme interpretations being made with respect to the privacy provisions, like in the school system?

Ms Swift: Yes, partly, I think.

Mr Wessenger: This was to try to allay some of that concern.

Ms Swift: That's right. The committee was also concerned that with the coming into force of the Substitute Decisions Act and the Consent to Treatment Act, the access issues and the privacy issues that might arise from there should meld with section 14 and any amendment that's made to it, so that second paragraph on page 34 deals with that issue.

Mr Wiseman: This change in interpretation in paragraph 2, there seems to be some disjointedness in the phrasing. As it was suggested, I think you need to put a word in there, just to be nitpicking, I guess.

Ms Swift: Sure.

The Chair: Any further discussion? Okay, I guess we'll carry on.

1600

Ms Swift: The next issue deals with the salaries of public officials and public service employees.

If you turn to pages 38 and 39 and start reading the very last paragraph there on page 38 which begins with the sentence that is struck out, "In light of the significant public interest—"

Mr Wessenger: That's just a threshold. That's the key.

Ms Swift: Yes, that's right.

The Chair: Everybody agree with the paragraph?

Mr Wessenger: Can I just ask, does this only apply to direct public service employees? It doesn't apply to—I suppose if we extend the application to the act it would apply to them; that's the broader public service.

Ms Swift: That's right. Currently—

Mr Wessenger: For instance, there's just a lot of criticism right now—this would apply, though, to school boards, would it?

Ms Swift: That's right. Currently this applies to the institutions that are defined and set out in the act.

Mr Wessenger: Which would be school boards, because there's a great deal of criticism, for instance, about getting the salary paid to the director of education. This would now require that to be published.

Ms Swift: That's right. The issue of the personal service contracts was also raised by the committee. I was requested to add a provision about that and that's the first full paragraph on page 39.

The Chair: And the benefits were included. I think that was something we had quite a discussion on, whether it was just the salary or the total compensation package.

Ms Swift: That's right.

The Chair: Any other questions? All agreed? Okay, carry on.

Ms Swift: The next issue is severance/termination/early retirement agreements, page 41, if you start reading the second paragraph on page 41. The committee raised the concern that firstly those contracts, the financial arrangements of these agreements, should be made public, as are the salaries, but that there was a concern and acknowledgement by the committee that often these cases involve sensitive negotiations in which the term "non-disclosure" is very important. The committee

highlighted that issue without coming to a conclusion as to how it could be dealt with. But if you look at recommendation 23—

Mr Sterling: In the Ottawa-Carleton area, in which my constituency is located, we've had a recent very public case of the regional municipality of Ottawa-Carleton, I believe, letting their environmental commissioner go under certain circumstances. I don't know what the termination of the employment resulted from.

The regional municipality of Ottawa-Carleton entered into a contract with this particular individual and it's alleged that he was given a severance of \$200,000 on the termination. Part of the contract with this particular individual was that the terms of the severance would not be disclosed, so that the regional municipality of Ottawa-Carleton, the chairman, was put in a very difficult position when asked in public by some of the regional councillors: "Well, we want to know what the deal was. This guy was being paid and the severance package was from public dollars."

My view is that regions dealing with public money shouldn't be able to give that kind of assurance in their negotiations, should not be able to say, in breaking or in the termination of an employment situation where there is severance, that this can be covered up from public scrutiny. It should be public information.

Mr Wessenger: It looks like the recommendation says "that the act be amended to ensure that the section 6 exemption cannot be used to shelter the financial terms of retirement, severance and termination benefits paid by institutions." That seems to be absolute, so it would—

Ms Swift: Yes, but if you turn over to page 42, there's the second recommendation.

Mr Wessenger: I'm just wondering, how does that override? If in 22 we say they should be disclosed and then say "the effects of this amendment" should "be further investigated," what do we mean by that?

Ms Swift: My understanding was the committee was concerned that in these situations—they involve sensitive situations, sensitive negotiations—some thought should be given to how you can ensure that these are made publicly available and yet still ameliorate the problem of sensitive negotiations. The committee recognized that as an issue but didn't really have a solution to it.

Mr Sterling: I think we should take recommendation 23 out.

The Chair: Any more discussion?

Mr Wessenger: There must have been some strong reasons. I don't know who—Jim?

Mr Wiseman: I'm just trying to reflect on—

Mr Wessenger: If it was in the draft report, I'd like to know where it came from.

Ms Swift: It wasn't in the draft report. It came out of the committee discussions on review of the draft report.

Mr Wessenger: The subcommittee?

Ms Swift: No. I believe this was the full committee and I think it was Mr Elston who raised that issue.

Mr Sterling: We don't have to worry about that any more.

Mrs Sullivan: I think the issue Mr Elston was probably bringing to the table, although I was not at that meeting, is the fact that every town in Ontario isn't Toronto. The nature of our communities is such that the incomes and severance arrangements and the terms with respect to severance—severance usually implies a dismissal of some sort—in many communities can alter a person's prospect for living a healthy and congenial life within that community. That argument, which is almost a compassionate argument, can't override, of course, the public's need and right to know that public moneys are spent appropriately and that there is value received for tax moneys as they're expended. I think the caution, given that we are not drafting legislative change, is a good one to keep in.

Mr Wiseman: You know what? I think that sounds just like Murray would have said that.

Mrs Sullivan: I knew him well.

Mr Wessenger: So you're recommending that we keep it in.

Mrs Sullivan: Yes. I think that ultimately, if there are amendments ever drafted to this act, it will be done by someone who will have occasion to look at this report. Leaving that particular paragraph out of the report would indicate that the committee hasn't considered the fact that some of the negotiation situations are particularly sensitive ones.

Mr Wessenger: Yes. Having it in allows some flexibility, in drafting of legislation, to look at any concerns. It doesn't mean that you will in effect allow no exemptions, but allows you to—

Mrs Sullivan: Absolutely.

Mr Wessenger: Okay. I think on that basis I would support keeping it in.

Mr Sterling: By leaving it in, I think you just neuter 22. You're sucking and blowing. On one you're saying one thing and the other you're saying another. In these reports, I think you've got to give whoever is reading them this sort of general consensus as to which one you think is more important. I think the public disclosure is more important than the other.

The Chair: If I'm not mistaken, and I'm just trying to remember the argument that was being used, was not the argument being used that we would start depegging of severance pay? If someone was making \$75,000, someone received \$100,000, and then it would be a point to say, "Okay, he got \$100,000 or \$75,000; I should get that." If I'm not mistaken, that's what Murray was arguing at that point, that you just keep putting up the ante. "This is what someone got in Ottawa, but I only got this much over here."

Mr Wessenger: Yes. I think you've hit on the issue. I think you might want a time delay factor on some of these settlements or something, because I can see the difficulty. If A gets a settlement of X dollars, than B is going to have something to guide him in negotiations. So it could work to the detriment of the public body in trying to negotiate a settlement with an employee whom they'd like to have resign. Basically, you're upping the ante by having the disclosure.

Mr Sterling: I would argue exactly the opposite. By having disclosure, you would probably down the ante because, as you make it more accountable, the people who are negotiating are going to say, "There's no way I can hand you \$100,000, because my people won't stand for it."

Mr Wessenger: Except, though, we may be creating more work for the lawyers by encouraging more litigation. I think that is definitely what Murray's concern was, that we might be forcing everybody to go—in fact, now that it's coming back to me, I believe that was the discussion. The fact is that if we have full disclosure, then no case will ever be settled. It will all go to court.

1610

The Chair: So it remains, as I see the committee?

Mr Wessenger: Yes.

The Chair: Okay.

Ms Swift: Pages 45 and 46, dealing with the issue of the public interest override, starting on page 46, the third full paragraph, there's a reworking of the committee's rationale on its recommendations. Particularly, there is concern that the override would apply to the exemptions for solicitor-client privilege and for law enforcement.

Mr Wessenger: Yes, that's definitely what I remember, concerns of law enforcement and solicitor-client privilege.

The Chair: Any other questions on the paragraphs? If I'm not mistaken, Mr Sterling, I think you had some comments in this particular area. Refresh our memory.

Mr Sterling: I can't remember what I said yesterday, let alone six months ago.

The Chair: But I think Murray was talking on this issue also.

Mr Wessenger: Certainly, I strongly agree with the concern about law enforcement aspects and solicitor-client privileges as being of higher values and of a "compelling public interest." I think we have to respect the traditional rights that exist.

The Chair: Everybody agree? Okay. Next one, Susan.

Ms Swift: The next is on pages 55 and 56, dealing with the issue of alternative formatting. Starting at the paragraph just preceding the recommendations is where the changes are.

The Chair: Any questions on this? Everybody agreed? Next, Susan.

Ms Swift: Pages 63 and 64; this is the issue of the collection of health card numbers. The committee was interested in adding some discussion about the broader context of youth activities, the collection of health card numbers in, for example, volunteer recreational organizations and the issues that might arise there that would be different from the collection of health card numbers by school boards, which are mandated by statute to conduct their activities. So if you look at the very last paragraph on page 63, that will give you the discussion about that issue.

The Chair: Any questions on that? I think the reason it was written this way, if I'm not mistaken, is coming out with a smart health card with more information on it

than just—

Ms Swift: Yes, there were concerns about that in that last paragraph.

The Chair: That's why it was put in that way, to cover that if changes would have to be made.

Ms Swift: Yes.

The Chair: Everybody agrees with that paragraph? Okay, fine.

Ms Swift: The next is page 81. This deals with the issue of notice of an appeal to affected persons. The committee, my understanding was, wanted to combine the recommendation of the previous committee, that is, to define "affected persons," but also wanted to add or to give the commissioner the discretion as to whether or not to notify those affected persons where it just might not be necessary to do so and thereby reduce costs and delay.

So if you begin reading just after that struck-out paragraph on page 81.

Mr Wessenger: This is basically to streamline the process and not have unnecessary notices of appeal going out to people?

Ms Swift: That's correct.

Mr Wiseman: So if you're worried that everybody who had signed a petition would have to be notified, it would cost a fortune.

The Chair: Okay. Any more discussion? Everybody is in agreement? Next, Susan?

Ms Swift: The next is on page 86 and the introduction there to the powers and duties of the Information and Privacy Commissioner. This introduction just sets the framework or the basis of the recommendations and discussion to follow, basically just setting out that any changes to the powers that the committee is recommending ought not be seen as adding new powers, but simply to recognize the fact that these powers are already being exercised and therefore there should be no increase in costs to the IPC.

Mr Wessenger: That's right. There was a concern we didn't want to extend the mandate.

Ms Swift: That's correct.

The Chair: Any questions? All agreed? Okay.

Ms Swift: The next is on the very next page, dealing with the investigatory powers of the IPC. The changes appear on page 88. My understanding was that the committee thought that the addition of explicit review and investigatory powers was necessary but that they should not be initiated independently of a complaint, so that those powers were contingent upon a complaint being made.

The Chair: All agreed? Okay.

Ms Swift: Over to the next page, commenting on access and privacy implications: Currently, clause 46(a) authorizes the commissioner to comment on privacy protection concerns, but not on access implications, of proposed programs for institutions. The changes that the committee wanted to make to this area appear on page 91 in the second full paragraph down, beginning with the shaded area.

Mr Wessenger: So basically what this is doing is placing the onus on the institutions to deal with the privacy matters up front.

Ms Swift: That's correct.

1620

Mr Wiseman: This arose out of some of the comments I was making about how difficult it is to access some information at the municipal level, that it takes too long, and that with the new information processes in computers you should be able to do this much more quickly than you can now and much easier than you can now, and with less charge than you would see being applied to these requests. I think that's the rationale behind it.

The Chair: Any further discussion? All agreed? Agreed.

Ms Swift: The next is on page 95, dealing with the issue of record linkages and computer matching. It was brought to the committee's attention during the course of the hearings that the Management Board Secretariat was in the course of drafting directors' implementation guidelines on enhancing privacy concerns and computer matching. The thrust of the committee's recommendation, set out starting on page 95, is the first full paragraph.

The Chair: Hearing no comments, should we go on to the next area? Okay.

Ms Swift: You might just notice on the next pages, 96 and 97, they've all been struck out. I've just collapsed the discussion there under another heading dealing with commenting on access and privacy implications. It's not completely lost, but it's just been collapsed into it.

The next issue is on page 100, dealing with the issue of exercising the rights of a deceased person. You'll recall, under clause 54(a), the personal representative of a deceased person is entitled to exercise the rights and powers conferred by the act on the person. If the exercise of the right is in respect to the administration of the deceased person's estate, there was concern that it didn't adequately deal with all of the areas that family members might be interested in getting information about the deceased person. So the committee wanted to deal with the issue in a broader framework. That appears on page 102. If you begin at that first full paragraph, you'll get the rationale to the committee's recommendation.

Mr Wessenger: "Believes that the act should be amended to ensure wider access by family members." Right, I think that makes excellent sense.

Mr Wiseman: Yes. This was designed so there would still be some measure of confidentiality.

The Chair: Legitimate.

Ms Swift: Yes, and access as well.

Mr Wessenger: I think the concern is that in many cases it would be an unnecessary expense to force a person to apply for letters of administration or letters probate for an estate where you might want to investigate suspicious circumstances of a death or something like that, and it doesn't make sense to put that onus. Family members ought to have that access.

Mr Sterling: I agree with this, but I just want to—

Susan, I don't know if we discussed it, and I don't have a copy of the act in front of me. What happens in the case of somebody who is incapacitated? We're just now going to declare the new act in terms of new powers of attorney for property and powers of attorney for personal care. Can a person get the records who has a—which power allows you the right? Does it depend on the type of information?

Ms Swift: There's nothing in the Freedom of Information and Protection of Privacy Act that deals with that situation, that is, exercising the rights of a person who is incapable—I'd have to give some thought to that, Mr Sterling. I'd have to look at the Substitute Decisions Act and sort of see how that fits in with the freedom of information act. Off the top of my head, I don't know.

Mr Sterling: It gives you the authority to act as if you were the person.

Mr Wessinger: The power of attorney ought to give authority to this information; it ought to.

Ms Swift: Yes, and there is something in the act about the freedom of information act. I remember seeing it, but I don't remember it directly deals with your concern, but it would make sense that it would.

Mr Wessinger: Certainly, I think as far as health matters are concerned, the combination of the Consent to Treatment Act would allow the access to information in the health area—I don't know. It's the other areas that I'd be uncertain of.

Ms Swift: The health area is one of the big issues.

Mr Wessinger: Well, certainly financial. Traditionally, financial information has been given to powers of attorney.

Mr Sterling: I just think that if there's nothing in the municipal freedom of information act, unless it's redundant, it would be helpful to have it in that act, because if you had someone walking in with a power of attorney for an individual, it would be nice for the municipal clerk to turn to this section and say, "Oh yes, I can give you the information."

Mr Wessinger: Perhaps I should leave this checked to ensure that powers of attorney do cover the access to information.

Ms Swift: That's right, and when we looked at this in the earlier pages, we do refer to the Substitute Decisions Act and the Consent to Treatment Act, and recommend that section 14, which is the access to personal privacy or personal information, be in accord with those two acts. In other words, if there is any possibility of an attorney not having access under the act, we have recommended in here that it be done.

Mr Sterling: That would be adequate.

Ms Swift: We've already dealt with that.

Mr Wessinger: Good.

Mr Sterling: That's fine.

The Chair: I guess we can go on with the next one.

Ms Swift: The next issue is just over the next page and deals with exercising the rights of persons under age 16, and specifically that applies to school records. The committee wanted to add a provision, or wanted to add

discussion about situations where a student is receiving social assistance, and as a condition of eligibility for social assistance, they're in attendance at school. The committee wanted to deal with that particular issue. That appears on page 104, the second full paragraph.

Mr Wessinger: Could I just ask a question here, because having seen this situation arise in a local school, the difficulty that has arisen is not so much that the—for instance, what happens is that you have students registered in school and then they never turn up. The social assistance, the welfare—the municipality never makes any inquiry about whether the student is attending school or not, and I don't know whether the school can notify social assistance.

Of course, they don't know whether the student is on social assistance but there is a basic problem there, so I think it needs to be addressed.

Mr Wiseman: The school would have to contact the parent or guardian or the truant officer, and then that would move from there.

The Chair: But could not the student who is collecting welfare access his own information on his attendance to hand to the welfare office?

Mr Wessinger: The difficulty is there is a problem there: There are people who register at school, do not attend school and collect social assistance. It's a condition of social assistance that they attend school, so there's a problem. Does this address that problem, do you think?

Ms Swift: Yes, I think it does. It addresses the problem of ensuring that the agency has the means to verify attendance.

Mr Wessinger: Okay, that's fine.

Mrs Sullivan: Is that what you want, that the agency can verify attendance—

Mr Wessinger: Yes.

Mrs Sullivan: —or are you saying that the information—

Mr Wessinger: I think the agency should be able to verify attendance. That's probably the better way of dealing with it, putting the onus on the agency rather than on the school.

Mrs Sullivan: Yes.

The Chair: Everybody agree?

Mr Wessinger: Yes, agreed.

Mr Wiseman: The school would have to be looking out for the attendance. If there is somebody on their books and the kids are not going to the class, those attendance records are done every day. Most schools that I know of will phone immediately to the parent or the guardian, or the custodial person who is responsible for making sure that the student is there. I guess the next step would be that if the person is on their own, then this is where it gets to be a little muddier. How would the student welfare find out about this person not being there?

1630

If they are under the age of 16, then the children's aid society would be called in. If they're over the age of 16 and on student welfare, I imagine the children's aid could still be called in except if they're over the age of 18.

Somehow or other that information would have to get back.

The school would initiate it because the school would be interested in why that person isn't there. They would seek to find out, and if they weren't showing up, then they would move to expel the student or remove the student—not expel, but to take them off their rolls. What I'm kind of wondering here is, if you leave the onus of responsibility on the agency, then what about the responsibility of the school to do what it's supposed to do in terms of making sure that students are there?

Ms Swift: I don't think that's what being suggested; that's not my understanding anyway. What this just provides is that the social service agency could have access. They could request access to it, so it doesn't place the onus on anybody or change the onus of responsibility on anybody. It just says that these agencies can have access to it.

Mr Wiseman: I misunderstood then what Mr Wessenger was saying.

Mr Wessenger: Can I just clarify this?

Ms Swift: Yes.

Mr Wessenger: Would this entitle the school on its own to provide that information if they so desire?

Ms Swift: I'm sorry. I missed that.

Mr Wessenger: Could the school itself give that information if they so desired? If they phoned up and said, "We have these students who are not attending school"—no, they couldn't do that. It'd have to be the onus on the social service agency because they might be disclosing information about a student who wasn't on social assistance; right?

Ms Swift: That's right. It would be the social service agency that would be seeking the access to verify eligibility for social assistance, so it would be at their instigation in any event because it's in their interest to do that.

Mr Wessenger: Supposing the school does know the student's on social assistance, would that—

Ms Swift: That would do it.

Mr Wessenger: On their own—supposing they know that as a fact, would that authorize them to disclose unilaterally?

Mr Wiseman: There would have to be somebody on the attendance card—

Ms Swift: I don't know.

Mrs Sullivan: What's the legal relationship between, say, welfare and the child of 16 who's collecting welfare, who's receiving social assistance? Is it a custodial arrangement?

Mr Wessenger: No, it's not a custodial arrangement.

Mrs Sullivan: Then they probably wouldn't have the same right to seek information unless it's specifically included and—

Mr Wiseman: But you don't have the right, since they're 18.

Mrs Sullivan: Nor would the school have the authority to disclose that information to anybody without custody.

Mr Wessenger: That's right. That's the present

situation.

Mrs Sullivan: Yes.

Ms Swift: But the disclosure of information in that context is provided for under the Education Act. I would assume that the school board would then be bound by the terms under the Education Act. As Ms Sullivan has suggested, if they're in a custodial relationship, of course they could disclose that information and, if not, they couldn't.

Mr Wessenger: That's right. But with this amendment, this will entitle the social agency, for instance, for the child over 16 or even an adult attending school, to inquire of the school, "X student who's over the age of 16, are they attending school?" I think certainly everybody feels they ought to have access to that information.

Mrs Sullivan: But wouldn't it put an onus on the school to report?

Mr Wessenger: No, I don't think it would put an onus to report.

Interjection.

Mr Wessenger: In the role of the social assistance agency though.

Mr Wiseman: But to whoever has the custodial right, whoever is the legal guardian in the cases of students, because a school would definitely want to know why a student isn't appearing. It's in their attendance interests to know this. Teachers would want to know, I can tell you that, "Why has that student missed the last 10 periods of my class?" or whatever. They'd probably want to know after three; usually after two or three classes people start to phone.

Ms Swift: I think the concern about onus is satisfied by the recommendation of the committee in section 63, that is, the amendment be made to this act, MFIPPA, or to the appropriate legislation, the suggestion being the Education Act. Any concerns about how onuses will be affected or not, if they were dealt with under that appropriate legislation, would be dealt with, I would think.

Mr Wiseman: Okay. I'm happy.

The Chair: Any other questions?

Ms Swift: The next issue is a related issue and deals with access to the information of a person under age 16 in the context of doctor-patient confidentiality and particularly relates to public health clinics, that kind of thing. My understanding was that the committee wanted to incorporate into its recommendation the decision of the Information and Privacy Commissioner on the interpretation of the equivalent section in the provincial act, that the rights to exercise a child's rights under the act must be exercised on behalf of the child, so as to distinguish the parents' rights from the child's rights. The discussion there is on page 105, the very last paragraph.

Mrs Sullivan: This whole thing's in conflict with the Consent to Treatment Act anyhow, both of these bills. I think there's enormous overlap and conflicting law.

Mr Wiseman: In what way?

Mrs Sullivan: The Consent to Treatment Act now stands at age 14 where the child can seek independent medical treatment, medical service, and that age was

chosen, after much controversy, by the government as being the age at which there can be independent thinking and decision-making and where the child ought to be able to protect privately his or her records. Much of the discussion associated in that situation related to access to birth control information and advice and indeed the actual administering of the therapies, if you like, whether it's the insertion of an intra-uterine device or whether it's the prescribing of a birth control pill.

I'm astonished to discover that this act says the parent can have access, unimpeded apparently, to the child's medical record to age 16 when under the Consent to Treatment Act the parent does not have full authority to consent to all treatments. The child is seen to be an individual in his or her own right and should be able to control those records. There's enormous inconsistency here.

Mr Wessinger: We could ensure that this act conforms with the Consent to Treatment Act.

Mr Sterling: There's a significant difference here. If a child is being asked, "Do you want this treatment?" and it's a 14-year-old child, and the parent says yes and the child says no, under our present law the answer is no, the treatment will not take place.

Mrs Sullivan: The child has a right to appeal.

Mr Sterling: Notwithstanding that the child may be not competent in age, there's nothing you can do except try to cajole or convince the child to have the treatment. In this case when you're talking about information, you're not talking about consultation with the child, necessarily, and treatment to the child, you're talking about something that's external from the child at that time. I think they're sort of somewhat different issues.

Mr Wessinger: I think the basic issue, let me put it very bluntly in the sense of—under this act it says that the parent can request medical information for a child under 16 years of age. Supposing that 15-year-old child has had, for instance, an abortion, that means the parent could find that information. I think there's a clear interest in protecting the privacy of the child in those circumstances.

Mrs Sullivan: No. You see, I don't think that would apply here. The issues that would be applicable here are those services that would be provided through a public health authority. Many public health authorities through Ontario are those which not only provide birth control information or STD information but also provide treatment, and that's where the problem is.

The problem isn't with the individual's own doctors particularly, the problem is with public health authorities that have records that are available that under the Consent to Treatment Act are treated in a very different way than they would be through this legislation. Somehow the right hand and the left hand aren't coming together here. I don't think we should prolong this. I suspect that when this legislation is drafted there will be adequate concerns raised.

1640

Mr Wessinger: So you think by raising the issue here we've probably at least directed the draftsman to deal

with the consistency questions?

Mr Wiseman: I think you're going to have to deal with when does a person become an adult and have the rights, all of the rights, sometime.

Mr Sterling: We tried to talk about that in the Consent to Treatment Act and you will find, Mr Wiseman, that there's no definitive time.

Mr Wiseman: I'm sure that is the case.

Mr Sterling: There's no magic age either. I think we should accept the recommendation as put here. It addresses the concern of the commissioner vis-à-vis an adult parent seeking confidential information about his or her child which isn't really for the good of the child but for the good of the parent. I think the recommendation is worthy of support. Let's let the legislative drafters worry about conflicts between the legislation.

Mr Wessinger: Could I just ask legal counsel, does this recommendation, by putting in the words "on the individual's behalf," does that mean—who makes the decision? Is it the commissioner who makes that decision on whether the request is made for the parents' purposes or for the child's purposes?

Ms Swift: Ultimately, yes, it would be the commissioner, because if there was an appeal it would go to the commissioner, but I guess at the first instance the institution would have to determine whether it was or not. This is one of these more difficult questions, certainly, where you have to use judgement on this, but this is already being done under the provincial act.

This decision that we've set out here at pages 105 and 106 was a decision under the provincial act. There was a parent seeking access to his child's records that were held by the Ministry of Community and Social Services and they were denied by the commissioner because they were not being sought on the child's behalf, but rather for good interests, but the interests of the father, and so they were denied.

Ultimately, it would be the commissioner, but certainly at first instance—

Mr Wessinger: But if this act gets extended, for instance, to the hospitals, this would then apply to that situation, right? If this act eventually applies to public hospitals, then a parent could request hospital records under 16?

Ms Swift: Because public hospitals would be covered, would become institutions under the act, that's right, unless there was some amendment made for them. I assume that would be part of the consultations under the committee's first recommendation.

Mr Wessinger: Are there any health facilities that would be under this act presently? Public health would be the concern.

Ms Swift: Public health clinics, yes.

Mr Wessinger: No others? A community health centre would not be covered, or would it?

Mr Sterling: I can think of some instances. Say, for instance, you had a battered child and the school made a record of it and the parents said, "I want to see the record of the child," then I think you're into the same kind of

situation as you are here. I don't think it's in the child's interests that the parents see that record, and so the same conflict arises.

Mr Wessenger: It could be argued it was in the interests of the child if it was the non-custodial parent who was seeking the information from the school on the basis of a complaint by the child about battering, to confirm whether there's any—

Mr Sterling: That's a good argument.

Mr Wessenger: So that would be a matter of determining on each case.

Mr Sterling: I just wonder if there are better words than these, because when you say "on the individual's behalf," I read into those words your desire to agree with what the commissioner did in the case. I'm not sure that someone reading this kind of section in an act would interpret it that way. When you say "on the individual's behalf by a person who has," It doesn't say there "to the benefit of the child."

Mr Wessenger: That's what I was wondering: something like "the best interests of the child."

Mr Sterling: That's right.

Mr Wessenger: Could we do something to make sure that it makes it stronger, that the request has to be and the variety of the information has to be objectively in the best interests of the child?

Ms Swift: Okay.

The Acting Chair (Mr Jim Wiseman): That's a big phrase.

Ms Swift: This one is determined all the time.

Mr Sterling: We don't have to be exact in the way we draft the section.

Mr Wessenger: But I think it's better. Then it's clear that it's the best interests. That's what the courts always look at, the best interests and the welfare of the child. So I think that's a phraseology we'd be better to keep.

The Acting Chair: Are we happy with the flagging of this issue? Can we move along to the next?

Mr Sterling: What did you say?

The Acting Chair: The "flagging" of this issue.

Mr Sterling: I just say, put something like that in it.

Ms Swift: I'll amend it so that the right to exercise is based on the best interests of the child.

The Acting Chair: Are we happy now?

Mr Sterling: Yes.

Ms Swift: The next issue deals with routine disclosure and active dissemination of information, the issue which Mr Wiseman referred to earlier, and that appears on pages 108 and 109, if you look at the last paragraph on 108, the committee's discussion, the basis of their recommendation.

Mr Wessenger: This was a concern that we didn't want—in many cases, municipalities were withholding routine information.

Ms Swift: That's right. There you would have a centralized source that would designate certain classes of records that would be made routinely available.

Mrs Sullivan: It's like the Environmental Bill of Rights.

The Acting Chair: It was my idea.

Mrs Sullivan: It's taken three years to bring that to the floor.

The Acting Chair: This was bandied about and discussed by all committee members, but I felt very strongly that it's being made unnecessarily difficult for people to get information out of their school boards, out of their municipalities and under their levels of government and that it shouldn't have to be that difficult. People should be able to access it through a terminal or through a readily available, commonly held area, that they could just put in a computer disc and get the information or have access to the information. Some of the things that I've heard about information just make it somewhat absurd.

Mr Sterling: I agree with the thought and the thrust. The only trouble you always have with the LG making a regulation is that then the municipality says, "That's all we have to disclose."

The Acting Chair: They're saying that now.

Mr Sterling: No, I mean, if the LG says, "I make a regulation disclosing A, B, C and D," then you'll get some clerks and some bureaucrats saying: "That's all I can disclose: A, B, C and D. Those are the only documents in this place that I'll let out of here without an FOI request." You always have that problem, but I think this is the right route to go. We suggest that we agree. Does anybody disagree?

Ms Swift: The next issue is frivolous and vexatious requests and this is the start of about 10 pages where the instructions were unclear, at best. Actually, if you go to page 113, that's where it starts. Let me summarize briefly for you what I thought what was on the table and perhaps we can discuss from there. You can give me instructions as to what you see should be going in the report.

First, there was a discussion about a BC-like provision which allowed institutions to go to the commissioner and ask that certain requests be declared or found to be frivolous and vexatious and then allow them not to respond or to disregard those requests. That was one issue that the committee discussed and that appears at the bottom of page 113.

1650

Another possibility—they're not necessarily mutually exclusive—was that there be a minimum filing fee for each FOI request, in the range of \$5 to \$10, to act as a disincentive to capricious requests but that would not be so prohibitive as to discourage those requests. A third suggestion was that there be also a minimum appeal fee to discourage capricious appeals but that in the event that in the opinion of the commissioner the appellant was at least 50% successful on the appeal, the fee would be returned.

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): That's clear.

Ms Swift: We have to sort of choose among them. They were all discussed and at some points agreed to and then not agreed to or the committee decided not to pursue

them.

Mr Wessenger: Can't they all be done?

Ms Swift: As I said, I don't think they're mutually exclusive, but I think the committee has to decide which of those or other possibilities they want to include in the report.

The Acting Chair: To revisit the discussion one more time, I personally don't have any difficulty with a filing fee.

Mr Sterling: How much?

The Acting Chair: About \$5; that's what the federal level is. But I do have difficulty with an appeal fee. The reason for that is that I know that some jurisdictions—not to name any except Metropolitan Toronto—would deliberately put a filing fee into place or would deliberately say, "We're not going to give you anything unless you appeal," to keep information away from people who want it. I haven't got any questions in my mind that they would do this, given the history that I have experienced with trying to get information, that the environmental group that I formerly belonged to had trying to get information out of Metro about the Brock West landfill site, and continues to have trouble getting, information that should be common knowledge and free to the public. I have no question in my mind that if there was a disclosure fee or a fee for appealing—

Mr Sterling: You mean like a list of water treatment plants that aren't up to scratch, something like that.

The Acting Chair: Something like that. They could be just denied on a basis and then you're going to have to file appeals for all of that. I wouldn't want to have the appeal fee unless, if there is some kind of frivolous or vexatious denial of information, there be a fine levied back against the denier of the information.

Mr Wessenger: If I might just follow up on that, certainly I agree we should have an application fee for a request, because it would have some discouragement of frivolous and vexatious.

The other thing is that where there's an appeal, we might consider the allowance of awarding of costs against someone who appeals without any substance, without any basis, in other words, deemed to be frivolous. Give discretion to the commissioner to award costs against the person or persons who file the appeal. Is that a possibility?

Ms Swift: It's a possibility and certainly that's an issue that we have to decide, but there's another issue I left to—

Mr Sterling: I'll tell you how I would approach it. I think that when the commissioner was here he said, "I don't want to be given discretion in terms of this area."

The Acting Chair: That's right.

Mr Sterling: He said: "I'd rather you pick one or the other. Do an application fee or whatever." I would prefer to do a \$25 appeal application fee, which is absolutely nothing in terms of the amount of expense that an appeal would generate in terms of taxpayers' dollars that would be expended in terms of people replying and all the rest of it.

But in terms of Mr Wiseman's concern, I would give, whether or not the information commissioner wanted it, a right for the commissioner, where an institution was clearly blocking information, to mete out some kind of penalty to it in dealing with it and reimbursing people who were having to appeal because of this institution's record.

Mr Wessenger: I would agree with that too, that there should be a penalty, either costs or something, against an institution that, without any basis, denies any reasonable request. That's legal language, but you'd want to say "without any reasonable basis." You wouldn't want to award costs just on the basis of a wrong decision; it would have to be on the basis of unreasonableness.

Mr Sterling: The reason I think that a \$25 fee, for instance, is necessary in terms of appeal is because the appeal process is so easily instituted by anybody in society. They don't even have to appear; they can write a letter etc.

The big problem is that it's a very critical issue. It puts the institution in a position of saying, "Hey, I'm not going to consider this lightly; I've got to consider this very seriously because we think that it's a great danger for this information to be divulged," particularly in privacy cases. So they have to put a significant amount of effort into it.

The person, on the other hand, has nothing to lose. He just writes one letter and says, "I want to appeal this," and it's appealed. He doesn't have to show up, but he's started people down the road to doing a lot of work, which I just think is unfair unless a person is really determined to have this issue tried in a fair and proper manner.

Mr Wessenger: I would see it as exactly the opposite. I would see the institution wanting to deny, and it would be very easy for it to deny, and if the appeal fee is too great, then I could see the institutions just on a routine basis denying information to see if somebody really wants it. That would act as a disincentive to groups or to people who are not well-heeled to get the information.

Mr Sterling: We're in a period when governments don't have a hell of lot of money and we've got to have more balance in our systems, where we can't say to everybody, "You can do this and there's no penalty if you do this." If you send a whole bunch of people, bureaucrats running around, lawyers for the bureaucrats running around preparing arguments etc, there's no penalty to you but the poor bloody taxpayer gets nailed extensively.

If you're going to send all of these people running around writing memos, consulting with people, you're talking about thousands of dollars for even the simplest appeal, whereas the person who's writing it in may be writing it in because they're marginally interested in getting this piece of information. To ask them to put up 25 bucks I don't think is an outrageous amount.

Again, I think there should be some overall caveat that if an institution is starting to have a record of blocking people, then there should be some way for the commissioner to deal with them.

Mr Wessenger: But they may not get the record. They may not get the record in that people who want the information but can't afford it just won't appeal, so there won't be any—

Mr Sterling: That may be a downside.

Mr Wessenger: That's a major downside.

Mr Sterling: You can't have everything in the world and try to control what's happening in the expenditures of our province and our country. I think you should have a downside for every upside there is. In other words, if you're going to go in and commit the government to \$1,000 in terms of dealing with an appeal, I don't think it's a lot to ask any citizen to put up 25 bucks.

The Chair: I'm going to go over to Mrs Sullivan. I didn't know whether you had a question or you were just waving your finger.

Mr Wessenger: First of all—

The Chair: Okay, Ms Sullivan first.

1700

Mr Wessenger: I was just going to ask for a point of clarification. Is everybody agreed on the minimum request fee as agreed, and it's the appeal that we're discussing? Is that correct?

The Chair: Yes.

Ms Swift: Perhaps just along the lines of clarification, recommendation 60, the idea of incorporating a BC type of provision, that is, where you look at a request to determine whether it's frivolous and vexatious, the committee wants that or it doesn't, the BC approach?

Mrs Sullivan: Yes, we want it.

Mr Sterling: As well as the \$5 aspect.

Ms Swift: As well as the \$5. Okay.

The Chair: Ms Sullivan.

Mrs Sullivan: I was going to start by saying that in fact I have seen the municipal act used frivolously and vexatiously within a community for small-p political purposes. Indeed, it cost the taxpayers as a whole enormous amounts of money in terms of staff and other time to deal with a purposeful campaign. So I certainly concur with the recommendation of a nominal fee for the initial request for access. I think the BC rule is also quite appropriate and I support that.

I also think there is merit in the \$25 filing fee approach. I think Susan, in drafting this, could look at the OMB requirements, by example, because I believe that filing fee is a regulated one. It's not included on a statutory basis. I think you would want to make the same kind of recommendation, that this not be a statutory fee but that it be under the regs.

I also would prefer I think the awarding of costs one way or the other rather than the recommendation which is here, which would be a fully refundable fee if the appeal is 50% successful. I think that one way or the other the institution or the body, without reason or on its own part, vexatiously withholding information can be dealt with in the same way as the person appealing could be dealt with if that person was appealing in a vexatious way.

Mr Wessenger: In other words, you're tying the cost to either side's being vexatious and without reason. Is that what you're suggesting?

Mrs Sullivan: Yes, if in the judgement of the commissioner—

Mr Wessenger: Generally, where there's a legitimate issue, there are no costs awarded. Where one side or the other is being clearly unreasonable, there's the discretion of the trustee to award costs.

Mrs Sullivan: Right.

Mr Sterling: First, the person would have to put up the 25 bucks. It would be a question of whether they got the 25 bucks back.

Mrs Sullivan: No, no. I'm saying the 25 bucks stays.

Mr Wessenger: No, we're talking about something more substantial. We would talk \$1,000.

Mr Sterling: Oh, I see, costs after. Okay. That's fine.

Mr Wiseman: I still can't agree with this idea of them putting \$25 up to appeal.

Mr Wessenger: You get the cost—

Mr Wiseman: The commissioner would be given the right to decide whether or not something is frivolous or vexatious to start with. I just see it as an opportunity for institutions, and particularly the Metro works department, to deny people information and make it almost impossible for them to get it. It would just be something that small groups of people who have not enough money would not be able to appeal. They just wouldn't; I've seen it happen.

The Chair: It keeps people honest though, the \$25.

Mr Wiseman: It doesn't keep the offending institution honest.

Mr Sterling: The costs award does. That's where Barbara is coming from. If the city of Toronto refuses this group three times in a row and they appeal three times in a row, they're going to come in and say, "Hey, bingo, give them the \$1,000 costs."

There's another thing too that people should realize. Within any commission or whatever, there's a tendency for these commissions to become larger and larger etc. If there is a time in their history when a lot of people aren't appealing, they start to sometimes attract business.

Now I'm not saying that this particular commission has done that, but there has always been a suspicion in the past that sometimes they generate their own work. It's a funny way to look at it, but I think that this process should be driven by people who have genuine interest in getting information and that's the way it should be.

Mr Wiseman: I think the other part of the way this process should be driven should be that the people have a right to know. They have a right to know what's going on in their government and they have a right to know what's going on in their community. They have a right to have access to information that the public purse is paying for, where it doesn't have personal or individual ramifications. But to be forced into freedom of information requests and then to have those requests accepted and then information be given out, it seems to me that should be the underlying guiding principle. The people have a

right to know what's going on in their government and why these decisions are being made, who's making them and what information is there that's impacting on them.

Mr Sterling: Do you want to ask the question, Mr Chairman, how many are in favour of a \$25 application fee?

The Chair: Oh, okay, you want to put the question on the floor.

Mr Wessenger: Before the question, I'd just like to know why it's felt that the \$25 fee—if it's a citizen's group, I don't see how that's going to be a problem. Where I could see it might be a problem is for a sole individual who is being given a rough time, but I don't know how to distinguish between the situations.

The Chair: All those in favour of the \$25 fee? It's carried.

Mrs Sullivan: And the awarding of costs.

The Chair: And the awarding of costs.

Ms Swift: I'll combine the discussion that appears on page 19 with that.

The Chair: Okay, next?

Ms Swift: Page 120, at the very bottom of the page: We're now into the whole issue of fees and calculation of fees and the imposition of fees. This deals with personal information and whether or not personal information should be exempt from the fee structure in the act, as it currently is.

Mr Wessenger: This is where there's no fee for personal information except where it's repetitive.

Ms Swift: That's right, where it's repetitive.

Mr Wessenger: That's certainly legitimate.

Mr Sterling: Just on the personal information, what were we agreeing or disagreeing on?

Ms Swift: What you were agreeing to was that requests for personal information should not be subject to fees, that is, the photocopying, the search time, those kinds of things that are currently regulated under the act, but that if the request is a repetitious one, that is, for the same information that was provided already by an institution, it would be subject to the full cost of reproduction.

1710

Mrs Sullivan: Can I just ask a question? Once again, I'm sorry that I wasn't involved in a lot of these hearings, but I'd be very interested in a recap of what the experience was of municipalities with people who ordinarily, in the normal course of things, would have simply called a department and got the personal information they needed, or information about their property—it might be the drawing and the documentation with respect to a septic tank or it may be with respect to the payment of their property taxes or whatever, got it in the normal way—or those who were using the FOI because they thought that this was now the appropriate way to access information.

My sense is that there's enormous confusion about what are very routine requests, where there are problems in accessing information simply because it's not routinely there on the top of the file or in the normal drawer.

Ms Swift: The evidence indicated that there were concerns on both sides. Institutions had started to regard the act as the only way you could get information and so did users, and the usual or the pre-1987 ways of getting information were now subject to the act and people had to make requests. That was the committee's reason for including the routine disclosure and active dissemination to get around the issue.

Certainly the act, and I forget which provision it is in the act, speaks to that; that is, the ways of getting information previously were still available, you could still get them that way, but here are added protections under the act etc. But the whole idea of the routine disclosure was, I think, in part getting at that very issue, to regularize and normalize the disclosure of information that shouldn't have to have an FOI request or shouldn't have to go through the formality of a request. In other words, it was raised during the hearings from both points of view, I think, users and institutions.

Mr Wessenger: It was quite interesting. When the act first came in, some of the solicitors for municipalities were saying everything was under it. Information that normally you used to write for, they'd say, "Well, you need a freedom of information." They eventually backed away from it, but that's always the concern and we need to make sure that this information continues to flow in the normal course and not be subject to this act.

The Chair: Any other questions? Is this passed the way it is?

Ms Swift: Yes, we've done that. Going on then to the next one, which is "Commercial Purposes," the committee wanted to deal with the issue of—sorry, that's on page 121—information that was being requested for commercial purposes and then sold in some other form, mailing lists and those kinds of things. So the committee looked at the issue of dealing with that by adopting the US model, which Mr White spoke to, as you recall, and that's summarized at page 122 at the top of the page. Down at the bottom is the recommendation.

Mrs Sullivan: I agree that the taxpayers ought not to be subsidizing information requests that are market research or other requests that are strictly for commercial use. We certainly know that there are at least one or two companies that specialize in that work. But with the wording of this recommendation, when we get to the "requests by," have we not left out "requests for personal information" in this list?

"Regulations should designate certain classes of requests and requesters that will be exempt from the presumption including, for example, requests by elected officials; government agencies, boards and commissions; the media and others where the request is in the public interest," or requests for personal information?

Ms Swift: Requests for personal information are already free of charge under the act, except for the issue we just dealt with, that is, repetitive requests.

Mrs Sullivan: Right.

Ms Swift: And no one else could get that personal information of another person in any event.

Mrs Sullivan: That's fine then. Good. I like that.

Ms Swift: The next one is at page 127, which deals with the private sector sale of government information; in other words, the tradeable data information arrangements.

The committee heard that Management Board has now issued directives that apply to the institutions under the provincial act, establishing principles and mandatory requirements for providing access to tradeable data. The concern here was that these private sector arrangements not create barriers to access or, for example, charge fees that would be greater than are permitted under the freedom of information act so that the arrangements not create barriers to access to information that is otherwise available to people under the freedom of information act.

At page 127, the second paragraph, down to the recommendation, basically acknowledges the Management Board's efforts in that area and suggests that they be monitored and evaluated before—

Mr Wessenger: If I recall, this was a concern, with agreements where you privatize the data collection and so forth, that it doesn't end up inhibiting the person from getting the information through the normal channels.

Ms Swift: That's correct. Some of the examples are discussed obviously more fully in the pages preceding—it's 124 to 126—but that's right.

The Chair: Any other questions?

Mrs Sullivan: Most of the documentation and argumentation here is with respect to the provincial act. How would it affect municipalities or school boards?

Mr Wessenger: I suppose conceivably a municipality, with respect to its tax information, could sort of privatize the data system on taxation.

Mrs Sullivan: No. The Ministry of Revenue prepares the rolls.

Mr Wessenger: No, but as far as the tax arrears and taxes paid. I'm talking about assessment aspects of it.

Ms Swift: Yes.

Mr Wessenger: It's conceivable that could be an area under a municipality. For instance, if you want to get information as to your tax status, you would have to go to a—

Mr Sterling: If you wanted to buy properties which were seriously in tax arrears—you see them advertised from time to time in the paper where these guys advertise properties for sale for tax arrears across the country and maybe the municipalities might want to sell that information themselves.

Mrs Sullivan: Some do.

Mr Sterling: Yes. Isn't that what this is saying?

Ms Swift: Yes.

Mr Wessenger: That's right, getting the information from the municipality without having to go through, say, the private database.

Mr Sterling: I just don't understand what this means in terms of provincially, that's all. For instance, if I wanted to find out who the corporate directors were of XYZ Corp, does this mean I can write to the Minister of Consumer and Commercial Relations and find out, without paying?

Mrs Sullivan: You already can for provincially incorporated companies.

Mr Sterling: No, no. I can do that, but I pay a commercial outfit to do that, which has contracted with the Ministry of Consumer and Commercial Relations. That's their business. I can walk into their shop or on their computer—I'm not sure exactly how you get it now, but you pay a certain amount of money in order to find that out. Now, can I end-run that commercial outfit by going to the Minister of Consumer and Commercial Relations? I don't know. That's not part of this report.

Mr Wessenger: No, it's not part of this report.

Ms Swift: It's part of the directive, yes.

Mr Sterling: Yes. I'm confused by the directive actually, to tell you the truth.

1720

Ms Swift: Yes, because the directive deals with the issue of impairing the public's right of access, which basically says they're required to ensure that the public will have access to basic government data and related services free of charge or at fees set by the legislation, which suggests that they could do an end run and go and get the information. But I haven't looked at the directive in detail, so I don't know.

Mr Wessenger: Is it fair to say that a person, if they wanted to wait all the time going through the freedom of information, could request the same information you get by going down to 555?

Ms Swift: I would think so. As I said, I haven't looked at the directive in detail but it basically says that those types of arrangements which the government has set up with the private sector contractor cannot impose conditions that are greater than what could be imposed by the government under the freedom of information act. So you have to be able to get at the information; if the service charges more money, you have to be able to get that information without having to charge—that service presumably could go to the government to get it.

Mr Wessenger: Well, what I'm looking at is, say we have a \$10 fee under this act and you have a \$25 fee for doing a corporate search. Does that mean that every lawyer could say, "Well, I'm going under the freedom of information act and get my information on the corporation for \$10, rather than going through the \$25 fee"? That might take longer, but I suppose that conceivably is so. Am I right?

Ms Swift: I don't know the answer to that. I don't know.

Mr Wessenger: That's an interesting question.

Mrs Sullivan: This section needs more work.

Mr Sterling: See, the government of Ontario is in the business of selling information, okay? They make, I don't know, \$15 million or \$25 million or \$30 million selling information each year. They sell information to insurance companies about automobile drivers. They sell information about corporate directors, about corporate names to people who want to find out that kind of information. That's public information. But there's an arrangement whereby they—that's why I can't understand this, Susan,

what this means. I don't think it's really relevant to what we're talking about anyway. I think it's confusing, quite frankly, to deal with this at all in this report.

Mrs Sullivan: Yes, I agree. Let's take it out.

Mr Wessinger: You mean just take the whole thing out?

Mr Sterling: Yes.

Ms Swift: Take out the whole section dealing with it. Okay.

The next issue is the issue of standardized test questions. It appears on page 131. In the first report I dealt with standardized psychological tests and employment-related testing in two sections. I've collapsed them together, as the committee requested. The committee's concerns about these types of tests and whether or not they're adequately protected by the act are dealt with starting at page 133—actually, more to the point, page 134, the third full paragraph.

Mr Wessinger: Basically, I agree. We weren't in a position really to make a recommendation. That's what we're saying.

Ms Swift: But that there are important issues raised.

Mr Wessinger: Yes, there are important issues raised. That's right.

Ms Swift: The next one is architectural plans, page 136. The committee thought that although there were adequate protections under the Copyright Act against the use of architectural plans and building plans, the privacy concerns may not be adequately addressed with respect to those types of information. The rationale and recommendation appear on page 136, the second full paragraph, beginning with, "The committee believes."

Mr Wessinger: We're just saying study it. We're not making any recommendation.

Ms Swift: Yes, and that, if necessary, appropriate recommendations be made.

Mr Wessinger: Well, that's pretty safe.

Mrs Sullivan: Shouldn't some of this be included under trade secrets as well?

Ms Swift: Yes, it is, but there was concern about building plans that are routinely made available, architectural plans that people can see, and the people use them and then—they're prohibited from using them under the Copyright Act, but there are still privacy concerns.

Mrs Sullivan: I have the Syl Apps centre in my riding, and one of the famous FOI requests was from an inmate at the Syl Apps who wanted the architectural plans and all the security information, including the new window designs, and continued to make application for that.

Mr Wiseman: When I was parliamentary assistant at the Ministry of Correctional Services, we were getting them all the time.

Ms Swift: The very last issue is legislative review, and it's very minor. It's on page 139. It appears in recommendation 83 that the committee conduct a comprehensive review of both acts together. They had suggested three years from the completion of this review. The

change was to five years from the date of enactment of any substantial changes to either statute.

Mr Wessinger: You don't want to do this more than once.

Interjection.

Mr Wiseman: You're just a newcomer. You can't say that.

The Chair: I have two quick questions to pose to the committee. Do you want to see the report again after Susan's third draft? Is it the third draft?

Ms Swift: Yes.

The Chair: Or should we just table it in the House?

Mr Wessinger: I think it should be circulated to all the members and an opportunity given if anybody wishes to make comments, and if there is any concern, we should have another meeting. But as long as there are no objections raised by any member, I think we should submit it to the House.

Mr Sterling: Can I make a two-minute pitch here? On a couple of occasions when I've sat on committees, basically committees dealing with studies like this on various legislation—once we did it on agencies, boards and commissions in dealing with the food terminal, and I forget the other occasion on which we did it—I suggested that coming out of the committee we not only write a report but that we write a bill and present that to the Legislature in the name of the chairman of the committee, with the hopes that the bill could be passed in a relatively short period of time.

We are late in the session in terms of this Parliament.

In the next Parliament we're going to have some different players. There's a tendency for this kind of review to be put on the shelf and not dragged out for a lengthy period of time. What I would like the committee to do is to take those parts of this report where we were very clear on coming to a consensus or a conclusion in terms of changing sections within this act and to prepare a bill for amending this particular act in that way.

It's always been my contention that we should change the legislative process here. We should have not only private bills, which are bills dealing with the incorporation of a hospital or a railway line or whatever it is, and private members' bills and government bills. I've always maintained that there should be a fourth bill, and the fourth bill should be a committee bill, that where a committee has come to a consensus in dealing with an issue and wants to get it past the Legislature in a relatively short period of time, they should take that initiative.

Then members of the Legislature can not only fulfil the function of being, I guess, on the sidelines as legislation goes by, but they can also be generators of legislation where they can actually see where their work comes to some fruition in the end.

The Chair: I just have one question before—

Mr Sterling: I would do this in full consultation with the Chair of the Management Board as well. In other words, I would not be trying to run over his head or whatever, as we did in the other two or three instances where we were successful in doing this.

The Chair: One question I have is, first reading, but at the second reading, the debate would take place during regular debate times, or would it be a Wednesday morning or would it be a different time? I'm just saying, like private members', that's Thursday morning, first and second reading?

1730

Mr Sterling: No. In the other instances it was called by the House leader during regular legislative time. There was a deal made between the House leaders that there would only be a certain amount of time this legislation took. We heard basically the kind of presentations that you would hear after a bill had gone through second reading. So why reinvent the wheel? Why not take what we have where we're solid on our feet, go to the minister and say: "This is what the committee has decided. They want to put forward a bill in the name of the chairman of the committee," and as a result you will get the bill within a relatively short period of time?

Mr Wessinger: I have some concern because I don't know how you get the status of a bill unless it's a government bill. I think we might achieve the same result if you had a request to the minister to prepare draft legislation for study by the committee based on the recommendations of the report.

The draft legislation would then come back here. We would deal with it as draft legislation, make our comments and change it so that draft—I'm just thinking that the mechanism, if you're trying to get something through, would be more effective, and then we could submit an approved draft bill, which could then be a government bill, whoever the government happened to be at that time. Now, the government could choose not to do it, but it would be a way of trying to deal with it, because we don't have a process. It's either a private member's bill or it's a government bill. I don't think we have a process for that.

Mr Wiseman: Well, I have to say that there's something attractively democratic about this notion in terms of empowering the committees to do more than what they currently do and to be in some cases more accountable and give members of all parties a little more say and a little more importance in this place than they currently have.

I would like to hear a little bit more about what other bills they were and what sort of mechanism and how they proceeded and under what circumstances. I will confess to being interested in this in terms of it changing some of the ways things are done around here, which I think are in sore need of being changed.

Mrs Sullivan: This committee has had several goes at reviewing the committee system and I guess we ultimately never did complete the dialogue and discussion on how the committee system at Queen's Park can be revitalized and changed. Certainly, my best experience on committees has been on select committees, where there is an independence and a non-partisanship that's quite evident. This committee, the Legislative Assembly committee, tends to fall into that same structure.

My sense is that we can learn from other jurisdictions

about bill preparation outside of the government-proposes-and-opposition-disposes kind of routine. But the probable interim approach would be through draft legislation, and then of course we'd have to once again move through the public consultation process where the draft bill would once again be reviewed almost in a white paper approach.

The other question that I have, and I believe there would be some significance in this particular legislation, is with respect to the role of the committee where there are financial concerns, in that the government party of course is responsible under the rules and certainly historically in a parliamentary democracy for those decisions which relate to financial and fiscal obligations. So that's problematic and I think that would affect this particular kind of bill.

I think that if we want to move into stronger legislative approaches from the committee system, we should spend some time looking at what appropriate methods are for creating draft legislation out of a committee and what the interlink between government is. Frankly, I don't want to in the end have to be co-opted by a government in power if I'm not a part of that government in power or a part of the party that's a part of it unless there is a full consensus on the committee and there's some concurrence that the government will not change the approach or the recommendations that have come from the committee.

So there are lots of things to chat about. I don't know what bills came out of committee that you were referring to or how they were put. I recall one, I think, that did go forward as a private member's bill but had come out of committee and was supported on an all-party basis.

Mr Sterling: There were two. I guess I don't approach these things with the same amount of caution perhaps as others because I'm concerned that caution will overtake us in terms of never—

The Chair: Never, never.

Mr Sterling: —never proceeding to do anything. I'm more buoyed by the opportunity to try a few times and then eventually if it works three or four times, somebody will say, "Hey, let's make this part of our procedure," and then work out how you draft legislation in a committee sense and go on from there.

In the one instance when Herb Epp, a Liberal, before 1990 was Chairman of agencies, boards and commissions, we went through an examination of the food terminal and we wrote a report. We had reviewed the food terminal as the ABC committee—agencies, boards and commissions—10 years prior to that. We'd made the same report 10 years before and nothing had been done. As a result, I said, "Let's at least do something out of this," and I was able to convince the committee of the day to at least change one section of the bill. I consulted with the Minister of Agriculture at the time. He had no objection to it and in fact agreed with what the committee was saying, and so in the name of Herb Epp that particular bill was passed.

In another instance, when I was the Chairman of the agencies, boards and commissions, we did another piece of legislation. Quite frankly, I can't remember the details

of that particular piece of legislation. I don't think they were as important perhaps as this piece of legislation is in terms of its overall effect.

As I say, we are into the final days or the final months of this Parliament and I just think it's incumbent on me to try to keep pushing the process to another level.

What I would suggest we do if we wanted to pursue this is that the subcommittee of this committee sit down with the minister, have our capable assistant, Ms Swift, who has worked with us, and go to legislative counsel and say, "Well, this is what the committee has agreed upon: A, B, C, D, E," and that we go and negotiate with the minister in a group and say, "Okay, will you accept what the committee has done or hasn't done?" If the negotiation is fruitful, then we go ahead. If it isn't, we don't go ahead.

The Chair: Who makes the decision, the minister or the subcommittee? He has to make the decision.

Mr Sterling: The minister can do anything he wants. He can bring forward a bill or not bring forward a bill as a government bill. I prefer not to have this as a government bill because I would prefer to have you, Mr Chairman, be the sponsor of the bill and the bill in your name as an amendment to this act, because I think it then becomes a different process. There's a different feeling within the Legislature, that it's not "them" and "us" who are involved in this, that it's been reached by consensus and you're starting to develop a process, perhaps, for the next Parliament to pick up and carry on.

1740

Lisa Freedman, our clerk, reminds me that it was on behalf of the Legislative Assembly to amend the Legislative Assembly Act. It was dealing with the service of documents on individuals, wasn't it? Members, MPPs? As I say, it wasn't of the same import or complexity as we're talking about here, but I don't know how complex this act is anyway.

Mrs Sullivan: Perhaps where we should start is with bills that actually respond to the concerns of this particular committee, which is the Legislative Assembly committee, including the pay bills.

The Chair: There's a way, maybe, to sort of introduce the idea again into the House. When I present the report, the comments that I make from the committee could be used at that time to make other members in the House aware of the concerns of the committee to put a bill in to cover areas like this for the committee.

Mr Sterling: With respect, I don't think anything any one of us says in the Legislature really is going to have a huge amount of effect in terms of doing that. I think what it takes is some kind of combined will of the people in this room to do it, if you want to do it. If you don't want to do it, then we'll have to deal with it next time through. My only concern is that, as I say, we're six months away from an election, probably, and it's very unlikely that this matter is going to be dealt with by us, and I just don't understand why the next group of politicians who are here should have to go through this process once again.

Mr Paul Johnson: Is there any problem with this

going before the subcommittee and the minister prior to going to legislative counsel? That would be agreeable?

Mr Sterling: Sure.

Mr Wessinger: I just have a question: Could the committee request, for instance, legislative counsel to prepare a draft bill based on this report? It's just a question.

The Chair: But then that would be given to the government or that ministry and would be introduced.

Mr Wessinger: No, no, it would just be a draft bill prepared for us.

The Chair: We can draft it, yes. But I think what Mr Sterling's trying to say is this has a different title on it. This is not a private member's bill, it's not a Pr bill and it's not a government bill; it is a committee bill.

Mr Sterling: It still is a private member's bill.

Mrs Sullivan: It will be Mr Hansen's bill and Mr Hansen can go to legislative counsel for assistance in drafting the bill according to the values and directions that are provided in the report. One of the questions is going to be whether in fact there are parts of the bill that are money matters and whether the private member can take that forward. My view is that he probably can't, but we should probably have an opinion from the clerk.

The Chair: Could we get a research paper—

Mrs Sullivan: Sure.

The Chair: —in that particular area on what other jurisdictions—to give us an idea if it's done someplace else.

Mrs Sullivan: This one is a private member's bill.

Mr Sterling: But if the matters that cannot be dealt with by a private member aren't there, then leave them out, leave those sections out and deal with the other parts. All I'm saying is a half loaf is better than no loaf, and I think that is what's going to result if we don't take any action.

The Chair: Can I just allow the clerk here to give some advice to us.

Clerk of the Committee (Ms Lisa Freedman): Actually, it's not advice, it's just a comment. None of the problems that have been brought up so far are insurmountable, but there is one issue that hasn't been brought up that might be a problem which is that this committee must report within one year of the commencement of these hearings.

We commenced in the middle of December; we could probably stretch that to January when we actually started our hearings. Whatever the committee wants to do, there is a deadline that we will be dealing with, which is a fairly short deadline—but whatever the committee wants to do. Nothing is probably insurmountable.

Mr Sterling: We can report. We can report this tomorrow as far as I'm concerned, but what I'm saying is, you take the next step after the report. You just don't say, "We're going to give you a report which you can throw on the shelf," and wait for another five years for something to happen. We're going to try to do something more than report.

Mrs Sullivan: It's on the order paper as a private member's bill.

Mr Wiseman: But what you could do—

The Chair: I'm sorry, Mr Wessenger did have his hand up there.

Mr Wessenger: I would like to suggest that we do report but we have some recommendations with options with respect to how we might advance the cause of legislation. One option is to prepare, for instance, a bill as a private member's bill. Another option would be to prepare a draft bill which includes all the money items and we, as a committee, could then endorse, I would suggest, draft legislation and do a further report.

Mr Sterling: I don't think there are money items in this bill.

Mr Wessenger: Well, the fees would be—

Mr Sterling: Fees are not taxation. I think it's taxation you have to worry about. Lisa, could you help me on that?

Clerk of the Committee: It's actually a charge on the consolidated revenue fund. That can only be proposed by a minister.

Mr Sterling: So a fee is not a charge on the consolidated revenue fund, right?

Clerk of the Committee: I'd have to speak to legislative counsel.

Mr Sterling: Okay.

Mr Wessenger: There is another concern we might have. There are several items in the report that say "further study." There's a question. Certainly we may be advancing the cause by preparing a draft bill or a bill, but our ultimate goal surely is to see legislation introduced which is comprehensive and covers all the items.

Mrs Sullivan: My own final recommendation would be that this particular piece of legislation is far too comprehensive as an initial step in committee draftsmanship and there may be other issues such as, by example, the Members' Conflict of Interest Act or Legislative Assembly Act which relate directly to the affairs and issues surrounding the independence of the members of the Legislature that may have more pertinence and, indeed, could be addressed in a broader and less controversial way.

Although I'm certain that the committee had a fairly comprehensive look at the municipal FOI, there are probably other issues that will come forward after this report is circulated, and there may well be some controversial aspects that those of us who are private members don't feel we have the responsibility nor the mandate to defend.

Mr Wessenger: If I might add, we also have to remember there's a provincial act too and to do this act in isolation from the provincial would be, I think, not appropriate. We'd want to deal with both if we were going to, and that's a very comprehensive undertaking for a committee. We'd be doing nothing for the next three years, if we were going to proceed.

Mrs Sullivan: That's right.

Mr Wiseman: I don't tend to agree with this. I really

see an attractiveness here to broaden—I've spent about a year and a half working on the franchise legislation and it's quite a hefty piece of legislation. I've done that pretty much on my own with some outside help. I don't see why committees can't broaden the scope of the kinds of things they're tackling with all of the support of legislative counsel that's available to them.

I'm really quite intrigued by the possibility that some forms of legislation could come out of committees, would have all-party agreement when they do and would actually accelerate the passage of certain kinds of legislation. This bill strikes me as one of those bills that could fit very nicely into that niche.

I'd rather give it a try and see how it turns out. I'd rather go forward with it and trip over the barriers, as opposed to not move at all. I think we've got here an interesting opportunity because there is broad all-party consensus on the kinds of things that need to be done. It could be drafted. Where there is contention, we could have more hearings. This committee could take this bill and move it forward and work in consultation with the ministry.

1750

Mr Paul Johnson: If the committee's in agreement, why doesn't the committee direct the clerk to make arrangements for the subcommittee to meet with the Chair of Management Board prior to this draft going to legislative counsel? That may assist in coming up with a draft that's achievable.

Mr Sterling: I don't think we should give up on the basis that—it's too easy to say no. It's easy to find the reasons why you shouldn't do this. Could I suggest this procedure: that Susan take the legislative sections out of our report and have them roughly drafted in a bill and say to legislative counsel, if you're using legislative counsel to do this, "Don't get the wording down perfectly, but as close as you can," and then we take that, give a copy to each of the parties and the Chairman of Management Board and we then have a meeting with that roughly drafted bill. Then we decide at that meeting if all, part or none of us can come to an agreement that we want to carry it forward as we have proposed.

The downsides to doing that are very, very small. All that can happen is that somebody says no at the next stage, and if one party says no then it's dead.

Mr Michael A. Brown (Algoma-Manitoulin): I'm following this conversation with some interest. I'm intrigued, as I think everyone is, with the ideas but I think the first thing we have to do is report—

The Chair: Yes, report.

Mr Brown: It seems to me after that the issues should be decided by the subcommittee as to how this committee can proceed. It seems to me just in terms of what we can do by the authority of the House would be to report this. We can order our own business, provided the government doesn't have something else it's sending down to us. I'm just not sure of the technicalities of how we do this.

We're charged with the responsibility of making this report, so that has to be done. The next problem then is, how do we order our business? If there's a government

bill that comes here or if there's something else, then we've precluded that. My problem at this point, while I consider what's been said, is we may be instructing people to do things that are just not going to happen, Norm. In the short term, there may be things we have to do here. Rather than sending people and costing a lot of money to government lawyers and what not drafting a bill, maybe we should just find out where we stand before we make any of those kinds of opportunities.

So let's report the report, have the subcommittee consider these ideas and then next week or whenever we can move on with it. It just seems to me to be the logical way to deal with this situation. Having said that, I'm very intrigued by what Mr Sterling has suggested.

The Chair: I think Mr Sterling had made the point that we report it to the House and carry on with that on the bill aspect. As you take a look at the timetable of what we have coming up, I believe the Speaker will be directing us. I think Ms Marland had sent a letter to the Speaker on the Evelyn Gigantes inquiry, which is coming to this committee, and maybe that will take our time before Christmas, yet we'd still have a subcommittee meeting to see what is going on, because the subcommittee normally doesn't meet on the Wednesday afternoon, but at other times. Maybe Lisa can give us an idea on our timetable.

Mr Sterling: Could I just ask a question?

Mr Wessenger: That's a motion that we move and report. I would suggest we should vote on that so we get that through.

The Chair: Okay, let's report.

Mr Sterling: Carried.

The Chair: Okay, carried. We got that done. The other thing is that the report—is there a problem with tabling it in English and the French will follow? It will take a little while.

Mr Sterling: No, not for me.

The Chair: Okay.

Mr Wiseman: But we're going to see that; we're going to have it circulated before—

The Chair: Yes, but we'll only have the English circulated and most likely we'll go into the House to report it right away, but the French copy will follow.

Mr Wiseman: I speak both official languages, one better than the other.

Mr Sterling: Okay. Susan, how much work would it take to take out of the report your draft—forget about legislative counsel—of the amended sections?

Ms Swift: It wouldn't be very difficult to identify those sections, particularly where the committee recommends that the section be amended to such and such. There's a list of recommendations that you can see

follows the report and we can basically just go through there and identify which those are. Those could be put together, I guess, in a bill that resembles something. But to do the legislative drafting on recommendations that aren't formulated in that way and to put them into legislative language isn't really something I'm competent to do in the sense—

Mr Sterling: Okay. Well, let's take what you have in terms of if the recommendation says, "Section A should be drafted to say this." Let's take what you have said and then have this meeting with the three parties and the minister and say, "Okay, how much can we agree on and how much can't we agree on?"

Ms Swift: That wouldn't take very long.

Mr Sterling: That's right, okay, and it's not taking a lot of time and we'll know whether we strike out. If we strike out, we strike out.

The Chair: What's your time frame, Susan?

Ms Swift: I'm in the committee's hands. I could do that, I think, fairly quickly. As I said, I can just basically identify them from the list of recommendations. What I would suggest, though, is that the list go to the committee first before we go ahead and have meetings.

The Chair: Yes.

Ms Swift: The committee should decide which of those recommendations should be incorporated in the bill instead of me, I think.

Mr Wessenger: I don't think we're making a decision at this stage.

Ms Swift: No, but I would identify those and then if there are any additions you had to make or deletions—I don't think it would take very long for me to do that.

The Chair: Lisa, maybe you could tell us our next project to give us a time frame—we've got three weeks before the break—and when that would be coming forward.

Clerk of the Committee: The only thing that's referred to this committee is an investigation into a breach of privilege, but it's my understanding that it may be moved from this committee to another committee because it's members and substitute members of this committee who may have caused the breach. Therefore, there's really nothing referred to this committee. The only thing the committee often does at this time of the year is to meet with the Clerk and the Sergeant at Arms, but that's at the discretion of the committee.

Mr Sterling: The process we're talking about here takes no legislative time at all.

The Chair: Yes.

Mr Sterling: I mean it takes no committee time. It takes a little bit of time in terms of subcommittee time.

The Chair: Yes, that's what I was saying earlier, that the subcommittee would—okay. Adjourned for the day.

The committee adjourned at 1758.

CONTENTS

Wednesday 16 November 1994

Draft report, Municipal Freedom Of Information And Protection Of Privacy Act M-847

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

***Chair / Président:** Hansen, Ron (Lincoln ND)

***Vice-Chair / Vice-Président:** Wessenger, Paul (Simcoe Centre ND)

***Acting Chair / Président suppléant:** Wiseman, Jim (Durham West/-Ouest ND)

Dadamo, George (Windsor-Sandwich ND)

***Johnson, Paul R.** (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)

MacKinnon, Ellen (Lambton ND)

***McClelland, Carman** (Brampton North/-Nord L)

Morin, Gilles E. (Carleton East/-Est L)

Rizzo, Tony (Oakwood ND)

***Sterling, Norman W.** (Carleton PC)

***Sullivan, Barbara** (Halton Centre L)

Sutherland, Kimble (Oxford ND)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Brown, Michael A. (Algoma-Manitoulin L) for Mr Morin

Harrington, Margaret H. (Niagara Falls ND) for Mr Sutherland

Wiseman, Jim (Durham West/-Ouest ND) for Mr Rizzo

Clerk / Greffière: Freedman, Lisa

Staff / Personnel: Swift, Susan, research officer, Legislative Research Service



M-29

M-29

ISSN 1180-436X

Legislative Assembly
of Ontario

Third Session, 35th Parliament

Assemblée législative
de l'Ontario

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 7 December 1994

**Journal
des débats
(Hansard)**

Mercredi 7 décembre 1994

Standing committee on
the Legislative Assembly

Comité permanent de
l'Assemblée législative

Premature disclosure of report

Divulgence prématurée d'un rapport

Chair: Ron Hansen
Clerk: Lisa Freedman

Président : Ron Hansen
Greffière : Lisa Freedman

50th anniversary

1944–1994

50^e anniversaire

Hansard is 50

Hansard reporting of complete sessions of the Legislative Assembly of Ontario began on 23 February 1944 with the 21st Parliament. A commemorative display may be viewed on the main floor of the Legislative Building.

Hansard on your computer

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. For a brochure describing the service, call 416-325-3942.

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-7411.

Subscriptions

Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats a 50 ans

Le reportage des sessions intégrales de l'Assemblée législative de l'Ontario, fait par le Journal des débats, a commencé le 23 février 1944 avec la 21^e législature. Une exposition pour marquer cet événement est étalée au premier étage de l'Édifice du Parlement.

Le Journal des débats sur votre ordinateur

Le Journal des débats et d'autres documents de l'Assemblée législative pourront paraître sur l'écran de votre ordinateur personnel en quelques heures seulement après la séance. Pour obtenir une brochure décrivant le service, téléphoner au 416-325-3942.

Renseignements sur l'Index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

Abonnements

Pour les abonnements, veuillez prendre contact avec le Service d'abonnement parlementaire, Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311 ou, sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 7 December 1994

Mercredi 7 décembre 1994

The committee met at 1615 in committee room 2.

PREMATURE DISCLOSURE OF REPORT

The Vice-Chair (Mr Paul Wessenger): The purpose of the meeting today is the consideration of a matter pertaining to premature disclosure of a committee report to the media. What is proposed by the subcommittee today is to consider the matter, starting with certain witnesses, the first being the complainant, the member for Mississauga South. I think the procedure is that we'll hear from her to make—yes, Ms Murdock.

Ms Sharon Murdock (Sudbury): I would like to move that these proceedings be closed. The reason for that is, given that this is an exploratory evaluation or assessment of the whole issue of complaint, I think we should do that in camera.

The Vice-Chair: I have the motion by Ms Murdock. Do you wish to speak to the motion?

Ms Murdock: I already have.

The Vice-Chair: Is there any further discussion?

Mr Norman W. Sterling (Carleton): I vehemently oppose this motion. I don't think committees should be operating in camera unless there is an absolute assurance that there is a real problem with operating in the open in terms of privacy of individuals etc.

The whole purpose of this hearing, as far as I am concerned, is to find out, number one, who the culprits are and what we're going to do with them and if there was a breach. When these issues are tried in our courtrooms with regard to individual citizens about the same thing, I don't understand why we politicians who are elected and represent people should have the shield of closed doors in hearing the evidence in front of us.

I do not understand the need for this and I think it's a terrible mistake and our meeting will be fruitless. We're talking about a serious *prima facie* case of breach of privilege. We're talking about a situation where somebody leaked information which they were not supposed to. If you read some of the research material in other jurisdictions, it's considered an extremely serious breach of parliamentary privilege.

Mrs Marland's privilege, and thereby all of our privileges and rights as members, has been breached by some members of this Legislature, and I think the worst thing we could do is close the doors and hold out the notion that perhaps a deal was being cut behind closed doors to protect some members of this Legislature because they didn't act in an honourable fashion, as they should.

Mrs Barbara Sullivan (Halton Centre): I have two

comments to make. First of all, I want to object to Mr Sterling's observation and conclusion before these hearings have been conducted where there is an assumption that a member in fact breached the rules of the House and that it was clearly a member who breached the rules of the House. I am not certain indeed if there was a breach, and that's one of the lines of questioning I intend to pursue.

However, I have, in preparation for this meeting, re-read documentation from the other two reports involving premature disclosure of committee draft reports, and I note in reading those reports that full Hansards were available of the testimony and of the discussions surrounding the committee consideration of those breaches. I should say that both of those instances, which have been precedents in this place, were dealt with at the same time by the same committee.

I wonder if the clerk would comment as to whether indeed the full committee consideration, including the questioning of witnesses, was on the record in previous situations in the House.

The Vice-Chair: I don't know whether the clerk or research can answer that question. Perhaps research would be more appropriate.

Mr Peter Sibenik: I don't have that information before me right now, but I can find that out. I do have a copy of the two reports in question and they are available here, but it would take some time to find that point out. I can make some inquiries about that.

The Vice-Chair: Could you make those inquiries shortly then?

Mr Sibenik: Yes.

The Vice-Chair: Okay. You've completed your comments for the moment, Mrs Sullivan?

Mrs Sullivan: Yes. I think that information is pertinent in order to address this point of order.

The Vice-Chair: Should we have a five-minute recess, unless there's any further discussion?

Ms Murdock: I certainly see no reason to have an in camera session on the basis of an inquiry, absolutely, and I would agree with Mr Sterling on that point. But on this point, where it's an exploration of the whole issue itself, I think there should be a distinction made as to when the witnesses are here.

In terms of who might or who might not have leaked a report, if indeed that occurred, I think that should be done in the in camera session. I do agree that for the purposes of if there's a person or persons identified, certain-

ly that should be wide open, such as the inquiries that have gone on in this place in the past. But I think while we're talking to the three witnesses today, that should be done in closed session, so I maintain my motion.

Mrs Sullivan: Is it the intention of the member to exclude each of the other witnesses who have been invited? Is that what the concern is, that one witness may hear the testimony of another witness and therefore would not be presenting independent testimony to this committee? I'm not quite certain of the rationale for this point of order.

Ms Murdock: No, I just assumed that would happen because whenever you are in closed session, any witnesses called before a committee in camera are not in the room while one is giving testimony. Having said that, I would just like the ability, the freedom of confidentiality of the witnesses and the freedom to feel free to say whatever they want to say, depending on the kinds of questions that they're being asked. I think that is in terms of determining who breached what or what has occurred in this place.

Mr David Tilson (Dufferin-Peel): I must confess that this is an investigation to determine the premature disclosure of information and very serious allegations have been made.

Quite frankly, on the face of the press clippings that are in the package, it has become clear by reading those press clippings that information was given. In fact they were given by government sources. One of the papers referred specifically to—

Ms Murdock: It does not say that.

Mr Tilson: I'm sorry. It did. If you turn to the article in the Toronto Star of August 17, the third-last paragraph, "But government sources said that their interpretation of Cronk's findings is that Gigantes did not technically violate the guidelines, even though the report criticized her." Who are government sources?

Mr Derek Fletcher (Guelph): It doesn't say "committee members."

Mr Tilson: All right. It has been accused now that there is someone in the government. Now in that meeting there are only government members, if it's government sources, unless you're suggesting that—

Mrs Karen Haslam (Perth): Let's talk about this motion.

Mr Tilson: I am talking about this motion. I'm talking about it is now out in the open by reading this newspaper clipping that it was government members who told somebody. That's what this newspaper article says. That's what the article says. Mr Walker has reported that in the Toronto Star on August 17. We now know on the very face of the information that this committee has before it, which is two newspaper clippings, that someone in the government—and the only people who were in the government were government members—made these allegations.

I can quite understand why you want to make this a secret meeting. The allegations have been made. We know now that someone on the government side revealed that information. So I simply say when you say that you

want the witnesses to be free, it's already out of the can. We now know.

Ms Murdock: No.

Mr Tilson: Well, that's what it says.

Mr Mike Cooper (Kitchener-Wilmot): Read the line right before.

Mr Tilson: I'm only reading what the articles say. Unless you're disputing what the article says, which I'm sure you'd like to.

Ms Murdock: We know we didn't.

Mr Tilson: I guess my question too is the rationale and we know from this article, and it has been revealed by the Toronto Star article, that someone on the government side released this information. That is on the very face of the Toronto Star article. That—

Mr Fletcher: That's not what it says.

Mr Tilson: I just read what it says, unless you're going to say I didn't read what I said.

Mr Norm Jamison (Norfolk): Well, read it again and understand what it says.

The Vice-Chair: May I please have order.

Mr Tilson: Do I understand therefore that, notwithstanding the information that's come from the article by William Walker which is before the committee, your sole rationale is that you want witnesses to be free to give testimony when we already know what Mr Walker at least has said?

Mr Fletcher: Let's find out if it's true.

Mr Tilson: My question is directed to Ms Murdock, who I assume made the motion.

The Vice-Chair: Ms Murdock, do you wish to reply?

Ms Murdock: I take exception to his automatic presumption that it's government sources. I've read this article as well. The paragraph that he has quoted certainly does say, "But government sources said that their interpretation of Cronk's findings...." This is the Legislative Assembly committee. As I recall, Liberals and Conservatives are members of the government as well. Certainly the way I see—

Mr Tilson: Oh, I'm sorry. We are not a member of your government.

Ms Murdock: I see this as—

Mr Tilson: There's no way you're going to tie me with your government, Ms Murdock.

Ms Murdock: —the way in which it was written is—

Mr Tilson: I imagine the Liberals feel the same way, so don't try that.

Ms Murdock: Oh, please.

Mr Tilson: Well, I'm sorry. I refuse.

Ms Murdock: I have no doubt, Mr Tilson, as to why you're—

Mr Tilson: When you're trying to tell me that I'm a member of your government, forget it.

The Vice-Chair: I think Mr Sterling's next on the list.

Mr Sterling: Are we going to now be in a spot of—I don't understand the rationale. We are big people here. If

somebody comes forward and makes an allegation in front of a witness or a member of the committee makes an allegation towards a member, I think that member has to live with that allegation, and that's the end of the story. If the person is incorrect or misconstruing the facts, that person, be it a member or it be some other functionary, has to live with it. I do not understand the rationale for going behind closed doors on this. In fact, I find it absolutely contrary to what we're doing.

Mrs Haslam: I'm going to agree with Ms Murdock's motion. I wasn't on this committee and—

Ms Murdock: Neither was I.

Mrs Haslam: —I'm really here to investigate and listen to the witnesses, but I think it can be better done among ourselves without the grandstanding, without the play for news. I would rather see us do this in a session where we as members look at the possibility of what happened in a frank way without its becoming a cause célèbre.

That's what I'd like to see this be. I'd like this to be a true look, a true investigation without political grandstanding, without a show, without the idea that, "This is what I'm going to say because it looks good," or, "It makes somebody else look bad." I don't think that's what we're here to do. I think we're here to examine a breach of privilege of a colleague, and in order to do that in a frank way, I feel we should be looking at this in a closed session. In fact I would recommend that we discuss this in a closed session. We have to come to terms with being very frank and looking at what we're investigating.

1630

The Vice-Chair: We now have our researcher back. Are you in a position to report?

Mr Sibenik: Yes, in both cases they were open sessions. They were not in camera.

Mrs Sullivan: I expected that response, as I had read some of the Hansards, although not all of them, and I wanted to be certain. I don't believe that this is an appropriate opportunity to set a new precedent by going in camera. I believe the circumstances appear to be quite similar to those of previous instances in this House and therefore we should proceed in the same way.

Ms Murdock: Before Mr Tilson speaks, I'll withdraw the motion. I agree. I don't want to set a new precedent.

The Vice-Chair: Do I have unanimous consent to withdraw the motion? Agreed.

With that, we can now proceed with our first witness. I think we've agreed that other witnesses are excluded during the—okay, I'll ask Ms Marland to proceed with her presentation.

Mrs Margaret Marland (Mississauga South): Are you saying that witnesses are excluded?

Mr Tilson: I'm sorry, Mr Chair. What's your ruling?

The Vice-Chair: I think it was suggested we exclude witnesses.

Mr Tilson: Who says?

The Vice-Chair: I think it's appropriate.

Mr Tilson: You think it's appropriate.

The Vice-Chair: Any judicial hearing—well, it's up to the committee.

Mr Tilson: This is a public meeting.

Mrs Marland: They weren't even excluded in the Gigantes inquiry, for goodness' sake.

Mr Tilson: We have nothing to hide. This is an independent meeting—

The Vice-Chair: Excluding witnesses, except the person who is going to testify.

Mr Tilson: I understand that, but I'm simply saying that we are all independent people in this place. We have nothing to hide. This is an investigation. This isn't a trial where there's a plaintiff and a defendant and for the purposes of that sort of testimony. This is an investigation to determine whether or not the allegations—

The Vice-Chair: It's not my decision to make, to decide to make that decision.

Mr Tilson: You just made your decision. You excluded witnesses.

The Vice-Chair: No, it's up to the committee to make that decision.

Mr Tilson: Has there been a vote on this?

The Vice-Chair: No, there hasn't been. It's up to the committee to make the decision. If there's no motion, then—

Mr Tilson: There's no motion, so let's just drop it and bring the witnesses back in.

The Vice-Chair: Okay, Mr Hansen can come back if he wishes.

Mr Fletcher: What if he doesn't want to come back?

Mr Tilson: He doesn't come back; he can go away.

The Vice-Chair: With that, I'll ask Mrs Marland to proceed.

MARGARET MARLAND

Mrs Marland: Thank you, Mr Chair. I think it's important for the committee members to know that throughout the inquiry, the hearings into the matter with respect to the Minister of Housing, the witnesses who were called before us at that inquiry were allowed to be present during the testimony of all other witnesses prior to them being witnesses themselves. I thought you might be interested in knowing that.

I know that you have background material in your package and it also includes my original letter to the Speaker of October 24, where in the second paragraph I have said that, "The members of the Legislative Assembly committee agreed that counsel's report would remain confidential until we had approved the final version of the report, which would be made public at 12 noon on Friday, August 19." It's very important to start this afternoon understanding what the agreement of those committee members was.

I would now like to bring you to the first time the committee saw a draft report, which was on the evening of Tuesday, August 16. At that time, and I think the meeting started some time around 7, the committee members were assembled in one room.

Ms Cronk and her assistant, Mr Hourigan, also a

solicitor, came into the committee room with the report, and Ms Freedman, I think, and her staff carrying copies of that report.

The control of that report from that point was excellent and I commend the clerks, and in particular Ms Lisa Freedman, for how the committee's conduct of business in terms of the responsibility of the control of that report was addressed.

The committee members then split into three separate locations in order that each caucus could individually discuss the report. That was so controlled that in each location we had someone whom you could say was a guard. We had a clerk with us at each location so that when we went into whichever room each caucus was in we did not take in with us anything in terms of being able to record what was in that report—tape recorders, pad and pen, electronic laptops—nothing. We went into a room, were given the report and the clerk remained with us.

I have no idea what the Liberal caucus and the government caucus did. I can only tell you what our caucus did. I know that when we left the room to go to the wash-room, the report was left in the room where the clerk and the other caucus member were.

In the case of our caucus, it was Charles Harnick and myself. Mr Harnick had driven down from his vacation. The reason I tell you that, because it's quite pertinent, is that because he had been up north and because we had no idea what the report would contain, we were unprepared to deal with the report if we had something subsequently, from receiving the report, that we had to deal with on our own, so for that reason we had two members of staff standing by in the north wing, in the PC service bureau.

The agreement was—pardon me, I think before I get into what the agreement was I want to also draw your attention to another insert in your package today, which is the Hansard from the decision made by the Speaker. There are a number of references here by the Speaker, where he says:

“Let me begin by quoting Erskine May at page 124 of the 21st edition of Parliamentary Practice:

“The publication or disclosure of debates or proceedings of committees conducted with closed doors or in private, or when publication is expressly forbidden by the House, or of draft reports of committees before they have been reported to the House will, however, constitute a breach of privilege or a contempt.”

“Our own experience in this assembly supports May with respect to the premature disclosure of committee reports that have been considered in closed session.

“On Thursday, June 21, 1984, the House adopted a report from the standing committee on procedural affairs entitled Standing Orders and Procedure (No 3) concerning the premature disclosure of committee reports in which it was stated:

“It is unethical for members to disclose matters relating to the contents of a committee's report, which was considered and adopted while the committee met in camera, before the report has been presented to the House. Such disclosure may be found to be a breach of

privileges of the House and may constitute a contempt of Parliament.”

1640

Finally, not to take up all the time, because this is already recorded in Hansard, the final summation is where Speaker Warner says, “Both Erskine May and our own precedent support the notion that such premature disclosure does constitute a breach of privilege and possibly contempt of this House.”

With that decision by the Speaker in mind, I will bring you back to the Tuesday evening. When Mr Harnick and I had completed our review of the draft report of Eleanor Cronk, which I think, in trying to reconstruct the time factor, was somewhere around 9:30, we gave our two copies to the clerk who was in the room with us and Mr Harnick and I went downstairs to the north wing to tell our staff that we had no need for them to do any work for us. Naturally, one of those staff members said: “Oh well, what happened? What did the report say?” Mr Harnick and I both said, “We cannot discuss it with you, but thank you for staying late.” At that point I went to my office and Mr Harnick went to his car to drive back up north.

What was interesting was that when I went in my office my desk was covered with pink telephone slips. Interestingly enough, today I went over my telephone book and I don't think I have ever had so many messages from representatives of the media, both print and television, and many of them with home numbers saying I could call—if it was 3 in the morning, I could call. Every one of those people who called me would tell you that I did not speak to them.

I went home. My husband was the only person at home. He said, “How did today go?” I said, “Well, it was difficult.” He said, “What was the outcome of the draft report?” He knew the draft report was coming in. I said, “Ken, I do not wish to discuss it with you.” He understands that I have never discussed anything with him that would put him in a position that, if somebody ever asked him if he knew something he shouldn't have known, he would have to lie about it. He didn't pursue the matter. He knew, when I said that, that I was not in a position to discuss it with him.

Naturally, I assumed that everything was fine in terms of the confidentiality of this report, until I got the first phone call on Wednesday morning, which in fact was about the Star article. A few minutes later I got the call about the Toronto Sun article. I was very upset to see the headlines because right away I knew that a member of our committee, at least one member of our committee, who had sworn secrecy had violated that commitment.

The reason I knew that was because I'm very confident that if you were to ask other members of the committee what each of their caucuses did in terms of the control of the report—and you have Ms Freedman later on this afternoon anyway and she can confirm for herself what the control of the report was—no staff saw that report. In terms of any content of that report being discussed with anyone other than a member of the committee, it had to have been a member of the committee who initiated the information and the discussion, because if every member

did as Mr Harnick and I did, which was return the copy to the clerk—and I may be wrong about this, but I think you'll find when you ask Ms Freedman that because it was a draft, the copies were shredded that night, except for one copy. If I'm wrong about that, it's my misunderstanding, but please ask her what happened to those reports that were handed back to her that night.

So when I read in the newspaper—I mean, look at the Toronto Sun article first of all, which says “Queen's Park Sources said last night.” The Toronto Sun even identifies that the Queen's Park sources were “last night.” I think, when you read further on, it also refers to the content of the report and again says “sources said.” Then, what is really interesting in Mr Wallace's article is the next line, which says, “The committee's report won't be made public until tomorrow.” So Mr Wallace knew the report wasn't public and—

Mrs Sullivan: On a point of order, Mr Chair: We don't have in our package of material documentation from the Toronto Sun.

Mrs Marland: You don't have these?

Mrs Sullivan: No, we have the Toronto Star report, but we do not have anything from the Sun.

Mrs Marland: Sorry; I'll go to the Star, then. I'm sorry; I didn't know you didn't have them both.

The Star article, at the end of the first paragraph, says “the Star has learned.” It talks about an outcome of the draft report, and it's a very definite statement that obviously came from the report, “A lawyer conducting a Queen's Park probe has found Housing minister Evelyn Gigantes violated Premier Bob Rae's conflict-of-interest guidelines by trying to get charges dropped at an Ottawa housing agency, the Star has learned.”

Then it goes on, in the middle of the middle column, “In her report”—it's defining where this information came from—“Cronk found Gigantes committed a breach of the ‘fundamental’ principles of the Premier's conflict guidelines, sources said last night.” It's still saying “sources.”

Then, in the next paragraph, even Mr Walker of the Star identifies, “Cronk's findings will form the basis of the committee's report.” He understands that it's in the future tense and he also understands that this was “to be released publicly later this week.” That was the agreement that the committee had, that we would release the report at noon on Friday. Mr Walker understood that; it's in his column.

But where I became very upset was when I came into the third column reading this, which was faxed to my home on that Wednesday morning, where it says, “It was in relation to these two areas that Cronk cited Gigantes for violating the guidelines, sources said last night.” Here, again, another reporter is identifying that the sources were last night. Then, in the next paragraph, “But government sources said that their interpretation of Cronk's findings is that Gigantes did not technically violate the guidelines, even though the report criticized her.” When I read that paragraph, which confirmed that it was government sources, I knew then where the violation and the breach of the confidentiality had come from.

Naturally, I believe that as elected members of this Legislature we have a responsibility not only to the people who elect us, but in fact we have a tremendous responsibility to each other. I sat as a member of the subcommittee on the committee that conducted the Gigantes inquiry. Kimble Sutherland was a member of the subcommittee and Bob Chiarelli was also a member. The three of us, as a subcommittee, made a great number of decisions leading up to the inquiry—who the witnesses would be, whether their fees would be paid—a lot of work for two weeks prior to the committee. We had very difficult sessions, but at no time did I ever feel that there was any lack of respect between the three of us on that subcommittee.

1650

When I look at the responsibility that we have as members in this place, because of the importance of how we handled this report, particularly the importance of how we handled—this report was most important above all else to one person, and the one person whom that was important to, I would respectfully suggest to you, was the Minister of Housing, Evelyn Gigantes.

Since that was a draft report that was presented to us on the Tuesday night, what we had agreed to—and this again emphasized the importance of keeping it completely confidential to the point where we, as I said previously, were not even going to take notes to remind ourselves—was that if we found that there were any fundamental mistakes in that report, any one member or any one caucus could address those fundamental mistakes. Then the idea was that we would give our comments on what fundamental mistakes were in the report to Ms Cronk to make the drafting changes on Wednesday, we would come back on Thursday to look at what now would become the final report and the final report would be released at noon on Friday.

You should also know that there was a great deal of deliberation about how the report would be drafted, and the decision was made by all three parties—and it was unequivocal, this decision—that Ms Eleanore Cronk would draft the report and in that report she would include her findings. At one point, certainly, Mr Chiarelli and I mentioned that we were very confident with Ms Cronk drafting the report, at which point I distinctly remember Mr Kimble Sutherland saying: “We are all very pleased with the work of Ms Cronk. In fact, people who aren't on this committee have told me, in the government, that they feel they have confidence in Ms Cronk and the superb way she's conducting this hearing and fulfilling her job as counsel to the committee.”

Having that kind of support for this counsel drafting the report, we were unanimously agreeing that when the report came, unless there were fundamental mistakes, it probably wouldn't need redrafting. But we all understood that the report that was received on Tuesday night, August 16, was a draft report to be kept in the utmost secrecy. I think what happened when that report was broken to the media was something of which, personally, I think we should all be ashamed, because it simply means there is nothing that is sacred when we make a commitment as elected members of this Legislature. I

have not experienced anything like that, and I was personally very upset about it, but as I thought about the reflection on all of us, all 130 of us, however many were still elected and serving in this place in August, I felt the reflection on us was terrible.

It was for that reason that I felt the matter should not die. I wanted to know—not so much a witchhunt about who actually did it, because I'm sure that we probably don't stand very much chance of ever finding out who actually did it, but I wanted for us to have a discussion as legislators to try to find a way to ensure that something like this wouldn't happen again, because I think when we are, to use Speaker Warner's words, possibly constituting a contempt of Parliament by those kinds of actions, then we do not serve the parliamentary system or the people of this province, in my humble opinion.

Mr Tilson: Mr Chairman, on a point of order: I have a package in front of me that has been given to each committee member. Do we have everything that we should have? For example, do we have the record of the committee, all motions made by the committee in public? Do we have that information?

The Vice-Chair: I don't know whether we have that. I don't believe we do have that information.

Mr Tilson: Can we get that, at some appropriate time? I think it would be useful to see what motions were made by the committee immediately prior to all this happening, immediately prior to the private portion of it and immediately after the private portion in particular.

Mrs Haslam: It's in Hansard, isn't it?

Mr Tilson: Well, no, none of us know, because none of us were on the committee.

Mr Fletcher: I don't want that information.

Mr Tilson: I'm sorry?

Mr Fletcher: I just don't want it.

Mrs Marland: He says he doesn't want it.

Mr Tilson: He doesn't want it. I guess not. You don't want anything.

The Vice-Chair: I assume that material could be made available.

Mr Tilson: Sure. That could be made available.

The Vice-Chair: It would be in the Hansard.

Mr Cooper: Mr Chair, on a point of clarification: The Toronto Sun article, that's from—

Mrs MacKinnon: What date?

Mr Cooper: From August 17? The Toronto Star article is stamped August 17. The Toronto Sun article: Was that on August 17 also?

Mrs Marland: It says August 17 on the top.

Mr Sterling: Our copy doesn't show it at the top.

Ms Murdock: Ours is blurred.

Mrs Marland: Oh. Do you want to pass this one around?

Mr Cooper: No, I just wanted clarification on the date, that it was the same date.

Mrs Sullivan: I note that the Toronto Star article is August 17, which is the Wednesday. However, the

Toronto Sun article, in the body of the text, refers to the committee's determination being made public "tomorrow," which would mean that this article appeared on August 18.

Mrs Marland: The only explanation I can give for that, and I don't want to answer for Mr Wallace, is that the point is being made that he understood that the report won't be made public until "tomorrow," which means that he was placing it at Thursday instead of Friday.

Mrs Sullivan: So your record on your clipping shows August 17 as the publishing date?

Mrs Marland: That's what I have across the top here.

The Vice-Chair: Ms Sullivan, there's also an ad that says, "Today Wednesday," so I would assume it's probably that.

Mr Cooper: Okay. Thank you.

Mr Tilson: You're smarter than I thought.

The Vice-Chair: I must give credit to the clerk for pointing that out to me.

I think we now have some questions or comments. I think the first on the list is Ms Haslam.

1700

Mrs Haslam: You say that you had no idea what the report contained, and yet you say you knew, you had every indication or you felt that it would come out the way it did. Is that correct?

Mrs Marland: No, I didn't say that.

Mrs Haslam: No, I'm asking you. You said you had no idea what the report contained but you and Mr Chiarelli felt that it would come out the way it did, or no. The results of the report were a surprise to you?

Mrs Marland: No, I didn't discuss the results of the report.

Mrs Haslam: Are the results of the report a surprise to you, because you said you had no idea what the report contained?

Mrs Marland: Until I saw the report, I had no idea what the report contained.

Mrs Haslam: Was it a surprise to you that the report came out the way it did, or were you expecting it to be as detrimental to the minister as it appears?

Mrs Marland: Mr Chairman, are we here to discuss my interpretation of the report?

Mrs Haslam: This is only my first question, because I want to know where the information came from.

Mrs Marland: That's fine.

Mrs Haslam: If there were people who felt the report was going to look like this and this wasn't a surprise, that's what I wanted to know. Was the result of this report a major surprise to the members of the committee?

Mrs Marland: You would have to ask the members of the committee that.

Mrs Haslam: I'm asking you.

Mr Fletcher: You're a member.

Mrs Marland: As a member of the committee, I did not know what the report contained, and I am here today to discuss the leaking of this report. I am not here to

discuss my personal reaction to that report.

Mrs Haslam: What I'm trying to say is, could the press have said, "It's going to be critical," and that's what they went with on that evening. That's what I want to know. Was the report a surprise in the fact that it was critical, because the only quotes in this article are around the word "fundamental." What I'm trying to ascertain is, was this a surprise that the report was critical of the minister?

Mrs Marland: Ms Haslam, with respect, I do not think your question is in order. You're asking me to guess what the press meant.

Mrs Haslam: No, I didn't ask you that. I'm asking you if, when you saw the report, were you surprised at the result of the report, at the fact that it came out saying that the minister was in error?

Mrs Marland: Mr Chair, I'm not going to answer that question, because it is not relevant to the matter before the committee. I am here—

Mrs Haslam: Fine. I'll go on to another question then.

Mrs Marland: May I just finish what I was saying?

Mrs Haslam: Certainly.

Mrs Marland: There was a matter referred to this committee, and the matter that has been referred is very well written in the Hansard of the decision of the Speaker of this House. In his opinion, he said that, as a member, I did have a prima facie case of privilege, and the privilege that I was claiming with the Speaker was the violation of an agreement between committee members to keep a report confidential.

Mrs Haslam: I'll go on. How would you interpret the article that appeared in the Toronto Star? Do you feel that article was in favour of the minister or against the minister?

Mrs Marland: My reference to the article in the Toronto Star is those references as to the source of the article.

Mrs Haslam: So you don't have any comment on whether you felt it was for or against the minister?

Mrs Marland: I don't have any comment on that. I'm not here to discuss that.

Mrs Haslam: As you mentioned your phone calls, were there any press present when committee members left the committee's meetings?

Mrs Marland: I have no way of answering that, because I can only tell you that the room that Mr Harnick and I were in, at the time that we left, the clerk, who was with us, left with us. In fact Mr Harnick and I didn't even know if the Liberal and the government caucuses were still reviewing the report.

One other thing that happened that I didn't tell you was that Ms Cronk and Mr Hourigan visited each of the caucuses in their sequestered quarters to answer any questions that any of the caucuses had on the report.

Mrs Haslam: Besides Mr Harnick and yourself, who else was in your caucus?

Mrs Marland: We only had two members on the

committee. The Liberals had three.

Mrs Haslam: Do you know who the three were in the Liberal caucus?

Ms Murdock: We can get that.

Mrs Haslam: No, I just wondered.

Mrs Marland: I hope I would have this correct, but I believe that that evening, unless there was a substitute, it would have been Mr Chiarelli, Mr Murphy and Mr Callahan. But the clerk would confirm that for you, because she knew who was there.

Mrs Sullivan: On a point of order, Mr Chairman: Perhaps we could leave the detail of who was in what room to the full report of the clerk, and then we can be certain we have accurate information.

Mrs Haslam: That's fine.

The Vice-Chair: The clerk can do that appropriately.

Mrs Haslam: During the committee hearings, were the government members supportive of the minister in their questioning? Did they seem to support the minister?

Mrs Marland: Mr Chairman, I will say it again: We are not here to discuss the inquiry, and the questions that Ms Haslam is asking—

Mrs Haslam: I think this has bearing on the leak.

Mrs Marland: Can I finish what I was saying?

Mrs Haslam: Certainly.

The Vice-Chair: Yes, you should allow the witness to complete her comments, Ms Haslam.

Mrs Marland: We are here to discuss how a draft report was leaked when there was unanimous agreement that it was a draft report and it would not be made public until it was finalized. You're asking me to interpret proceedings of the inquiry, and I will not do that. That is not the purpose of this meeting.

Mrs Haslam: Mr Chair, I think it has relevance, when we look at the reports, when we understand that this type of report, being so—I won't say so detrimental, but coming out against the minister and being one that puts the minister in a bad light—it does have relevance on whether there was support for the minister within the proceedings or not from not only government members but from the Liberal caucus and from the PC caucus.

Mr Tilson: Mr Chairman, could I speak on that point of order?

Mrs Haslam: That's not a point of order. I still have the floor.

Mr Tilson: On a point of order, Mr Chairman.

The Vice-Chair: Okay, you wish to make a point of order, Mr Tilson.

Mr Tilson: The point of order that I'd like to speak of is that with this line of questioning by Ms Haslam, almost all the questions have to do with what this witness thinks. We're not here to know what Ms Marland thinks, we're here to know what facts Mrs Marland has to tell the committee, and what she guesses or what she philosophizes is completely irrelevant to these hearings as to what she thinks particular government members have to say. It's as simple as that.

Mrs Haslam: I didn't ask her what she thought.

The Vice-Chair: No, no, Ms Haslam, please. Ms Haslam, I think there are a lot of other members who want to ask questions. So could you ask one more question and then we'll go to—if you would, please.

Mrs Haslam: It's interesting. I starred the same section you did when I looked at the Star one about government sources, but when I read it, I read it as not caucus members but more a bureaucratic way of looking at it, someone saying "technically violates the guidelines even though a report would criticize her."

If the press calls and says to you, "I hear the report is negative"—did you get another press call at home in the morning or at home in the evening that said, "I hear that this report is negative"? Did you get that kind of a call at home? Did you have any calls come to your home?

Mrs Marland: I actually didn't get home till about quarter to 2, and the first call I got in the morning was from someone who had seen this headline.

Mrs Haslam: Did they ask you for input? Did they say, "What's your comment about the report?"

Mrs Marland: No, the call I got was from a friend.

Mrs Haslam: Mr Cooper, could you sit back?

Mrs Marland: It wasn't some—yes, we're looking around you, Mike.

The Vice-Chair: Ms Haslam, I think—

Mrs Marland: The call I received in the morning was simply from a friend in Mississauga. It wasn't anybody to do with out here.

Mrs Haslam: Okay. You're cutting me off.

The Chair: Okay—

1710

Mrs Marland: Just to answer your question very specifically, I did not have any—any—discussion of the report with any member of any media—press, TV, radio—anyone, not a soul, and as I've already emphasized, I didn't even discuss it with my husband.

The Vice-Chair: Ms Sullivan.

Mrs Sullivan: Mrs Marland and I have served on this committee at various other times, and during the time of this particular inquiry I was involved in another committee and did not participate in the events, either in their initial stages or in the latter stages, and frankly I didn't pay an awful lot of attention to what the process was until this matter was referred to this committee.

I'm going to ask Mrs Marland to answer some further questions with respect to the process, because I think that what apparently occurred in the Legislative Assembly committee at that time was quite unusual for a number of reasons, not the least of which was the subject matter being dealt with, but decisions were made that were not normally made in committee processes.

One of the first decisions that was made that was unusual was that the committee report was not prepared in the normal course of events. It was not done in-house for comment in camera, it was done outside of the precinct. Would you agree with that?

Mrs Marland: Agree that it was unusual?

Mrs Sullivan: Yes, and could you talk about what

you know about the actual preparation of the report, whether it was prepared inside the precinct or outside of the precinct.

Mrs Marland: You're correct in saying that there were a number of things in terms of process that were different with the whole proceeding of this committee, even to the fact that the subcommittee that met the last two weeks of July to prepare for the inquiry itself had extraordinary powers inasmuch as it was the subcommittee that was able to go over a list of proposed witnesses and recommend to counsel witnesses who should be called. What was also unusual was the unanimity of the decisions that the subcommittee reached as to process.

If I'm correct in recalling it, I think the subcommittee met every night after we finished the hearings, and we sat from 9 in the morning till 10 or 10:30, sometimes 11 at night. Then the subcommittee would meet with the chairman and with Ms Freedman and sometimes with Ms Cronk. If there was a difficult decision to be made, sometimes Kimble Sutherland would say, "I'm not authorized to make that decision," and Mr Chiarelli and I would say, "We understand," and Kimble would get back to us in the morning, and quite informally in the morning the three of us would go out in the hall and Kimble would say, "This is okay, that's not," or whatever it was.

A lot of the decisions that were made were made with subcommittees taking place as the proceedings and as the day went on, every day—and even the fact that we started on Monday with only four days assigned to sit and at the end of the first day Eleanor Cronk told us that there was no way she would be able to complete all the witnesses by Thursday and that she would need Friday, and right up till Thursday morning, Mr Sutherland said, "No, you can't have Friday; it's got to be all complete tonight." Then as Thursday noon came, we began to realize that if that were the case, then we would never hear from Ms Gigantes.

So, yes, the process was different from other processes that we're all used to in terms of how our committees operate.

When it came to the drafting of the report, I guess we were probably anticipating in the role that Ms Cronk had for the committee that she was equivalent to a staff person, and when the decision was made that she would draft the report, that was part of one decision, and then part of the next decision was whether or not she would include findings in her draft of the proceedings of the inquiry. The decision about whether she would include the findings was something that Kimble said he'd have to go and speak to his people about, and again Bob Chiarelli and I said, "Of course, we understand that." Then he came back and said yes, they agreed, again emphasizing that because they thought so highly of Ms Cronk and how she had conducted the hearing with absolute fairness to all witnesses, they would be happy to have her draft the report, including findings.

So whether that has answered your question about the fact that, yes, there were some—there wasn't a point at any time where all the members of the committee made process decisions. That was partly, I think, out of necess-

ity. There would never have been any time for the whole committee to be part of it.

Mrs Sullivan: So in the dealings with outside counsel, who was brought in at the request of the committee, basically initially to conduct the examination because of her expertise as an advocate, her role changed as the committee proceeded, I gather.

Mrs Marland: No, I don't think her role changed. She was counsel for the committee, which meant that her role was to lead the evidence in chief. She and Mr Hourigan had interviewed all of the witnesses prior to the inquiry beginning. They had in fact recommended that some of the witnesses—and all three caucuses recommended witnesses. She came back to us and said, "We've interviewed so-and-so and so-and-so and we're not recommending that their evidence is relevant," and we did drop two or three. We all lost some witnesses. Her role didn't change. She led the evidence in chief during the inquiry, and when she finished with a witness, all three caucuses then had an opportunity to cross-examine that witness.

I didn't answer your question a minute ago about where the report was drafted. It's my understanding that the report was totally drafted in the offices of Fasken Campbell Godfrey, which I think is the name of her firm, and I know from what Ms Cronk and Mr Hourigan said, they would leave here at midnight and go to their office till 3 in the morning to prepare for the next day and look over some of the information they had received that day.

Mrs Sullivan: I was interested in your comments that your main concern was to ensure that a breach of this nature does not happen again in the future. You have spoken about the process particularly of the night that the draft report was available. What I find on committees is that it's assumed that people understand the rules. Did the Chair remind members of the committee, as they were gathering to consider the draft report, of the importance of the confidentiality of that particular draft document and of the time between, what would that be, the Tuesday and the Friday? Were there specific oral instructions to the committee?

Mrs Marland: Oh, yes, there were, and it was really emphasized by the fact that—and again, Ms Freedman can confirm this for you, but it's my understanding that Ms Cronk and Mr Hourigan only brought one copy of their report to the building and the copying was done by our own clerk's staff under Ms Freedman's supervision. I think I am correct about that. But the emphasis on the confidentiality was so reinforced by the fact that we went to these separate sequestered rooms and were monitored the whole time by a representative of the Clerk's department. Frankly, I've never experienced that before.

1720

Mrs Sullivan: Do you recall whether the reports which had been copied were numbered?

Mrs Marland: I think they had our names on them. They were either numbered or had our names on them. I think they had our names on them.

Mrs Sullivan: Perhaps, Mr Chair, we could reserve a question later for the clerk as to additional kinds of

controls other than the room controls as to how many reports were printed and whether they were numbered or whether there was a specific name on each one—

Mrs Marland: And whether they were shredded that night.

Mrs Sullivan: —and how they were dealt with subsequently.

I'm going to have to go back for this question to the consideration that the committee was giving to the conflict question. I have looked at the report today, and as I read it, all the way along there were specific parts of the Premier's conflict guidelines that the committee was considering in relationship to Mrs Gigantes's alleged conflict.

They included the guidelines, the "Fundamental Principles," which were sections 4 and 5; sections 19 and 20, the "Communication in Administration of Justice;" 22 and 24, the "Communication with Tribunals and Ministries." Those were the parts of the conflict guidelines that were named or that were included in the final report. Would they have been the only parts of the Premier's conflict guidelines that were considered by the committee in relationship to Mrs Gigantes's alleged breach?

Mrs Marland: Again, Ms Sullivan, you're asking me about what took place actually in the committee as the work of the committee was being conducted, which is the content of the committee hearings. That answer to your question is in the Hansard of the committee hearings, and I think that would be the most accurate place to get the answer to your question.

Mrs Sullivan: I wish I had had time to do that. The reason I ask the question is that I used to be a reporter and I used to be a digger as a reporter. If those are the only sections of the conflict guidelines that the committee was considering, it would seem to me that a clever reporter may well speculate as to the sections in which there were problems and then may well be able to lead a question laterally. I guess that's where I'm coming from. So the importance of what sections of the guidelines were being considered I think is important as we go down the road as to how this breach occurred.

Mrs Marland: I think if you did have the time to even read the opening of the inquiry, you would see that Ms Cronk, as I recall, put everything on the table. The one thing that I think any committee member who would answer any of your questions would tell you is that Ms Cronk treated every single witness—she asked actually the same questions practically to every witness except those questions that she asked as a result of an answer from a particular witness. But she had a flow and a form that she led every witness through. So when you ask the question about what sections, if I had time to re-read the volumes from that week, I could answer your question accurately, and I don't want to answer your question any other way but accurately.

Mrs Sullivan: Okay. I know I'm pushing it, Mr Chair. I guess one of the issues the committee is going to have to consider, and one of the reasons that I'm interested in whether those are the only parts of the guideline, is whether there was an intentional breach or whether

there was a breach that occurred inadvertently. I believe other precedents have rested on that kind of an issue: Was there political gain, was there personal gain, was there monetary gain to be made as a result of a breach of confidentiality, or was this in fact a horrible error made by someone—and I won't even speculate as to whether it was a member or someone else, and I don't know if that can be determined—or whether it could have just been smart reporting that led to what was a hint and that caused latter problems. I think those are some of the things that we're going to have to look at.

The other question which you mentioned was the effect on the principal, Ms Gigantes, of the premature leak. That affects a number of other things. First of all, the impact on her, but secondly, impact on the committee members who were working their way to the final report, which had not been considered at the point that this leak occurred.

In your view, did this leak, did this story that appeared in the Toronto Star—and I didn't know about the Sun story—change the final report in any way? Did it influence the members of the committee in their decision-making?

Mrs Marland: I think, as I recall, the events then by necessity changed the timing of the release of the report, by necessity changed—

Mrs Sullivan: Do you mean that the wording of the report changed?

Mrs Marland: No, the timing of the release. In other words, now that it's in the press, we realize that we, as a committee—as a subcommittee we realized, and then ultimately I think it was the decision of the whole committee, that there was no point in keeping the report until the noon Friday deadline.

Mrs Sullivan: So it was released earlier? I didn't know that.

Mrs Marland: Yes.

Mrs Sullivan: It was released when? On the Wednesday or—

Mrs Marland: You know, this is awful, but I can't tell you now whether it was—we did have, and again Ms Freedman can confirm this: I think what we did on the Wednesday, in light of this being in the newspapers, was we had a meeting at 5 o'clock on the Wednesday afternoon where the decision was made to release it, and I'm not sure whether we released it that night or Thursday.

Mrs Sullivan: Could I just have a point of order, Mr Chair? This relates in part to the difference of this committee, but the parliamentary rules are that the breach occurs if the report is released in advance of its delivery to the House. The committee itself may well have breached privileges by agreeing to pre-release the report to the public in advance of its going to the House, or was there any other circumstance? Could we have a report, say from the clerk, where the House allowed the pre-release of the report in its instructions to the committee?

The Vice-Chair: I guess I'll ask the clerk to speak to that.

Clerk Pro Tem (Mr Douglas Arnott): I understand that the House had pre-authorized committees in general

meeting during the summer period to release the reports by filing them with the Clerk of the House.

Mrs Sullivan: All right. Thank you.

1730

Mrs Marland: I think that's all it involves. It would have involved Ms Freedman, I think, taking the report and tabling it with the Clerk.

I don't want to avoid your question about whether the release changed the report; I want to answer that question. Because my answer to you is that if I were to make a comment on that question, then I'm talking about what the draft report contained and what the final report contained. I'm only in a position, in my opinion today, to talk about what the final report that was released contained. So I cannot answer your question about whether there were any changes.

The Vice-Chair: Mr Cooper.

Mr Tilson: Mr Chairman, I thought we were going in rotation.

The Vice-Chair: Did I miss you?

Mr Tilson: Yes, you did.

The Vice-Chair: Okay, Mr Tilson, we aren't going in rotation. We're going by—

Mr Cooper: Go ahead. I'll yield.

The Vice-Chair: —who I am recognizing. I'm recognizing, Mr Tilson, those who put up their hands first. It's general practice in this committee not to go in rotation, but to go with individual members.

Mr Tilson: I'm sorry, Mr Chairman. I just assumed it was rotation.

My initial comment in reaction is that Mrs Sullivan commented just in a passing comment that it's possible this was good reporting. I must say, when I look at the articles of the Toronto Star and the Toronto Sun, the Toronto Star seems to talk about—it's commenting in the opening paragraph that the probe found that Ms Gigantes "violated Premier Bob Rae's conflict-of-interest guidelines." That's the first point. The second point is it refers to the solicitor delivering a 134-page legal judgement privately. The third point is that sources—it talks about a "breach of the fundamental principles" and so on. In other words, it becomes quite clear, to me at least, and obviously to you, that there was a premature disclosure, and we can run through that, but I'm sure we've all read the article.

My question is, once this was revealed, at any time did the subcommittee or the committee discuss what this committee is discussing; in other words, the issue of a premature release of information?

Mrs Marland: Yes, we did, and it was a very strange set of circumstances.

Mr Tilson: Can you first of all tell me when that took place?

Mrs Marland: Well, this is what I'm trying to recall; I think at the meeting at 5 o'clock on the Wednesday afternoon. If I'm correct—I don't think Hansard was there, to start with, and I knew that I wanted to place on the record my concerns about the fact that this report had now become public. The fact that the Toronto Star

identified how many pages were in the report—I mean, there is too much detail in this Star article for it to have been subjective reporting.

I think probably Mr Hansen and Ms Freedman can do a better job of recalling the 5 o'clock meeting than I can because I was anything but objective at that point about the conduct of how the committee had ended, the inquiry had ended.

Mr Hansen was an excellent Chair throughout the inquiry. He was superb in the conduct of what was, for me, the most difficult hearing or committee session that I had experienced since I have been here, in nine and a half years.

My concern at the beginning of that meeting was that there had been a breach of confidence, there had been a breach of faith, as far as I was concerned, by someone on the committee. Whether that someone on the committee had shared the contents of their report with a staff person, who in turn shared it with the media, I have no way of knowing, but one thing I do know is that the only people who had the report were members of provincial Parliament. They weren't staff who got the report.

So in terms of what the committee discussed, I remember that it was decided: "Well, the report's out. It might as well be released now." I remember wanting to have Hansard there because I wanted to put on the record my concerns. To be honest, at this point now I can't recall how that all evolved. It was a very distressing meeting.

Mr Tilson: This meeting that took place on Wednesday at 5 pm, the purpose of that meeting—that was a general meeting of the committee?

Mrs Marland: It was the whole committee, yes.

Mr Tilson: Had that time been set before the committee had met in camera to review the report?

Mrs Marland: No. The second week we were going day-by-day because we were not sure how long the drafting of the report was going to take. In fact, we originally had thought we would have a meeting on the Monday, and we had agreed about the drafting of the report.

Then at one point on Sunday, I think it was Sunday morning, Ms Freedman got the subcommittee on a conference call because Kimble Sutherland now had some concerns about Ms Cronk drafting the report, doing the initial draft, and she had to know, in order to get all her work done in time for a meeting, which I think at that point was supposed to be on Monday.

So I think we talked again on Monday morning and it was decided that we couldn't meet before Tuesday at 5. Then I think how it was left on Tuesday at 5 was that if we had comments to make on the report—and as I said, it was agreed that they would be substantial comments, that where there were fundamental mistakes in the report, inaccuracies in the report. As a matter of fact, I think—anyway, that was what was going to take place on Wednesday.

Again, Ms Freedman took notes of all our subcommittee meetings, so she can answer that more accurately than I can, but I think it was agreed that we would see the final report on Thursday and agree as a committee that

that would be our finalizing and accepting of the report, and it would go public on Friday.

Mr Tilson: All right. But I'm still at a loss as to why you were meeting on Wednesday at 5.

Mrs Marland: I think because of the fact that the report was now no longer confidential.

Mr Tilson: So the Chair called that meeting? Do you recall? If you don't recall, that's okay.

Mrs Marland: Again, Ms Freedman can confirm it. I think Wednesday morning we did have a conference call with the Chair. Actually that's right, we did, and I know that Kimble was saying, "Well, I want a meeting at 12 o'clock," and somebody else said, "Well, I can't be there till 1," and I said I had a funeral at 2. I did have Mr Robert Peace's funeral at 2 o'clock in Oakville that afternoon so I couldn't come till 5, and that's how it got to be a 5 o'clock meeting on Wednesday.

Mr Tilson: When you met at 5, can you tell us what you discussed with respect to the breach, if you can recall?

Mrs Marland: As I can recall, I was the only person who wanted to discuss the breach and there wasn't any discussion on it.

Mr Tilson: So you raised the issue and that was the end of it.

1740

Mrs Marland: I was informed that in order to do that I had to raise it with the Speaker and, subsequently, I wrote the letter to the Speaker.

Mr Tilson: Who informed you of that? The Chair?

Mrs Marland: It would have been either the Chair or the clerk, as I recall, because I didn't know the procedure. I hadn't done that before.

Mr Tilson: You indicated that there were concerns prior to the Wednesday afternoon meeting by Mr Sutherland as to the drafting of the report. What does that mean? What were his concerns? Sorry, that isn't what you said; the concerns of Mr Sutherland as to Ms Cronk, if I'm pronouncing her name correctly, drafting the draft report.

Mrs Marland: In fairness to Mr Sutherland, the only reason I mentioned that was that it involves process. You were asking me about the timing. When we left here at, I think it was, 3 o'clock Saturday morning—we finished hearing the last witness Friday night around midnight or later—the understanding was that Ms Cronk would draft the report and include findings. Then I gather there was the necessity for another conference call, which we had on Sunday. That changed the timing and Ms Cronk said she had to have Monday to complete writing and Tuesday to have it typed.

Mr Tilson: As far as the meeting on Tuesday night, the draft report was presented initially to the whole committee and then you broke off into groups. That's what you informed us.

Mrs Marland: Yes.

Mr Tilson: The question was asked to some degree, but I'd like to know full details, as best you can recall, as to who indicated that this was a confidential report? What

statements were made by the Chair, the clerk, Ms Cronk, any other members? Do you recall that emphasis?

Mrs Marland: Certainly the Chair reconfirmed that this was a draft report. Ms Cronk indicated that she would have a concern that this report would be treated in any way other than with the utmost secrecy. But we had already agreed to that, so it wasn't news. The way we were all handled, as I said, in terms of how we were given the report and where we went with it was just more emphasis on the fact that it was a highly confidential document.

Mr Tilson: Did the document say anything itself? Do you recall?

Mrs Marland: I don't recall what it said on the front.

Mr Tilson: Other than "draft," it didn't indicate any words like "confidential"?

Mrs Marland: I'm sorry, I can't recall if it said that.

Mr Tilson: You indicated on Wednesday that, other than your own remarks, your own concerns, the breach of the premature release wasn't discussed. Was there any other time after the Wednesday night that the subcommittee or the committee met to discuss the premature disclosure of this report?

Mrs Marland: No, we didn't.

Mr Tilson: So that was the end of it as far as that issue was concerned with respect to the committee.

Mrs Marland: Yes, because I think I understood that the committee couldn't deal with the breach, that it was something I had to deal with with the Speaker. In fact, even after I sent him the letter, I couldn't deal with it with him in a letter; I had to raise it the first day the House was back.

Mr Tilson: Just so we're clear on the issue of confidentiality, this was a decision by the committee. Was there a motion or was it some sort of an understanding?

Mrs Marland: There was definitely an understanding. I can't recall whether it was formalized in a motion, but there again, Ms Freedman can give you that answer about whether it was a motion that it would be confidential.

Mr Tilson: The conversations with respect to the shredding of the report, you seem to believe that all copies save one were going to be shredded. How did you come to that conclusion?

Mrs Marland: I think I recall something Ms Freedman said about having her staff working—I think I recall saying something about her staff being busy between 5 and 7, from when Ms Cronk brought the report to—they made the copies that then were presented to us, and I think I recall Ms Freedman saying something about her staff being there, or her having one person there, helping her shred them before they left that night.

Mr Tilson: Prior to the committee releasing the report, at least prior to the committee making it a final report and in fact releasing the report, we have two articles. We have an article from the Toronto Star and we have an article from the Toronto Sun, both dated August 17.

Do you have any information as to whether or not any other newspaper or any other form of media—radio,

television—commented on these events prior to the committee releasing the report?

Mrs Marland: No, I don't have any information.

Mr Tilson: Did the media ever contact you after all of this, after all of these incidents took place?

Mrs Marland: Once the report was public, they did. As a matter of fact, during the day on Wednesday, they were still trying to contact me, and then once the report was public, I did get some humorous comments from some of the media about the fact that I wouldn't return their calls.

Mr Tilson: You mentioned that after subcommittee meetings Mr Sutherland was seeking instructions from someone with respect to his party's position with respect to decisions that were going to be made by the subcommittee meeting. Can you elaborate on that?

Mrs Marland: The process was that as the subcommittee, as I've said, we did have extraordinary powers. In my own case, I think there were only a couple of times that I checked on something with my House leader. I can't speak for Bob Chiarelli, but there were a number of times when Bob Chiarelli and I very readily and easily made a decision and Mr Sutherland said that he wished to make a phone call before he agreed to whatever it was. We said that was fine, and a few times he would make a phone call and then come back and tell us that it was okay, or he'd come back the next morning, as I've said, or at noon or at some point during the day, when he'd had an opportunity to confirm what the position of the government was on whatever it was we were trying to agree on.

Mr Tilson: Just so I understand the procedure, Ms Cronk—I hope I'm pronouncing her name correctly—presented her report to the committee. You then broke off into different sections for each caucus to review the reports separately by each caucus.

Mrs Marland: Yes.

Mr Tilson: The reports were then kept at all times under the guidance of one of three clerks and then they were delivered to the main clerk, Ms Freedman.

Mrs Marland: I can only tell you what happened with Mr Harnick's and my report. We handed it to the clerk who was in the room with us and said goodnight.

Mr Tilson: So there were three clerks, other than Ms Freedman? Or she was one of the three clerks?

Mrs Marland: I don't know that.

The Vice-Chair: I wonder if you could close so that we can return—

Mr Tilson: Thank you, Mr Chair.

1750

Mr Sterling: Just on a point of order, Mr Chairman: We're getting kind of close to the bewitching hour. I think we're going to have to have some extra time in order to look into this matter and I'm just wondering what our plans as a committee will be. I think we should be asking the House leader for some time to consider this matter further during the recess. We have 10 minutes left and we haven't even heard from the witnesses today, and there are more people who want to question Mrs

Marland. I don't know what other options we have.

The Vice-Chair: We do have, I think, a number of options, but it would be up to the committee to determine what some of those options are. We could, for instance, continue tonight to sit for a while; we could ask for more time tomorrow; we could request intersession time; or you could ask that the issue be carried over to the next session, all of those. I'm sure there are other suggestions too.

Mr Sterling: A lot of us have problems with the timing of doing anything in the next day and a half. We have other legislative matters that we are involved with in the Legislature most of tomorrow. It's going to make it very difficult tomorrow. And this evening I think I've got about three events on which I've promised to be at.

The Vice-Chair: You could make a motion. Do you wish to make a motion, Mr Sterling, or do you want a discussion by the committee?

Mr Sterling: I move that we ask the House leaders for some time during the intersession to consider this matter further.

The Vice-Chair: Any speakers on that?

Mr Cooper: I'll speak to that. I just have a few comments that I would like to address with Mrs Marland. I suspect that when I'm done addressing them, we could find a solution within a matter of a very short time to this whole thing that we're into right now. I have been waiting on the speakers' list, so if we could defer the vote on this motion until after I'm done and see.

Mr Sterling: Well, we have—

Mr Cooper: I could do it in five minutes.

Mr Sterling: We have three minutes.

Mr Cooper: I could do it in three minutes.

The Vice-Chair: I could indicate that I can ignore the clock if members wish to—

Mr Cooper: I could do it in a very brief time, if it's agreeable. This won't take long.

Interjections.

Mr Sterling: The problem here is that we have—

The Vice-Chair: If we can wind it up quickly, I suppose.

Mr Cooper: I think we probably could, if I could address a few questions to Mrs Marland.

The Vice-Chair: Okay.

Interjection.

The Chair: I would ask Mr Sterling to defer his motion.

Mr Sterling: I have two other witnesses I've got to hear from, at least.

Mr Tilson: There may be other witnesses.

Mr Sterling: So I don't know how I can wrap up anything.

The Vice-Chair: It might assist with respect to dealing with the process, is that what you think?

Mr Tilson: Unless Mr Cooper has something to tell us—

Mr Cooper: I think we could come to a conclusion

here very shortly to this whole process today.

Mr Tilson: I don't know how we can do that when we were on the first witness. We've got two other witnesses scheduled for today. We know that we may be asking for other witnesses to attend.

The Vice-Chair: Do you have a point of order?

Mrs Haslam: I think you're using this time to argue a point that can be argued later on, at 6 o'clock, when we have to make a decision. I think we should work at this committee to 6 o'clock, if that is the time, and then we make a decision as to what our options are open to. If we go with any other options, I would ask the Chair to set some timing parameters, because I do feel that you cut me off very shortly and the rest of the next two hours has been spent plogging away. I believe in plogging away, but I believe in some sharing of the time.

So I would like to spend the next few minutes continuing on with this committee. At 6 of the clock, then we should decide what we can do.

Mr Sterling: At 6 of the clock we're adjourned and we're gone.

The Vice-Chair: We have a motion before us. Mr Cooper, do you want to speak on the motion?

Mr Sterling: All the motion is is to ask the House leaders for some time. If they can't negotiate it, then there's no time.

Mrs Haslam: That's not what I want to do.

Mr Cooper: All right. Let's just go straight to the motion. I don't think there's the time necessary to continue on with this. I think what I would be getting at is that, because of the comments by Mr Tilson at the very beginning and Mrs Marland at the very beginning, where she stated that they are not part of the government—

Mrs Marland: Pardon?

Mr Cooper: You said you were not part of the government, as in a government source.

Mrs Marland: I didn't say that.

Mr Cooper: Now we have two direct quotes in the Star article that say "a source" and "a source" and then it says "but a government source," which would suggest that they had the source that gave them the information and they went to verify it with a government source. Now, if you've said you are not a part of the government—you said that at the beginning.

Mr Tilson: Yes.

Mr Cooper: All right. The media have done a very good thing in the province of Ontario: They've created two governments; one is the Ontario government and one is Ontario's NDP government. So they have quite a powerful thing. I am not a reporter, but they cover themselves very well.

Mrs Sullivan: On a point of order, Mr Chairman: There's a motion on the floor, and whether the member understands that a government is the cabinet and the Legislative Assembly is something else is totally irrelevant to that motion.

The Vice-Chair: Could you speak to the motion, Mr Cooper.

Mr Cooper: On the motion, Mrs Marland has stated unequivocally that they did not breach. I agree—she has convinced me—that there has been a breach.

Mr Tilson: She didn't breach.

Mr Cooper: And Mr Harnick has convinced me.

Mr Tilson: Mr Harnick hasn't even given evidence yet. We may have him come.

Mr Cooper: The report was very critical, so there would be no sense in the government breaching it. Are they then accusing the Liberal caucus of doing that? I suggest not, and I suggest that if you were to call in every member of the committee, they would deny it.

Mrs Marland is and has been a Chair of a committee, and she would tell you unequivocally that it was not the clerk, the legislative researcher or legal counsel who breached. So I suggest we are finding nothing here, and there is no point in going on.

I'm suggesting we will not find a solution to this, so I suggest that we come to the conclusion that, yes, there has been a breach, and our thing is to report back that there has been a breach, we do not know by whom, and that members should be notified that they should not breach confidentiality.

Mr Tilson: You only wish.

Mr Cooper: So I speak against Mr Sterling's motion.

The Vice-Chair: Are there further speakers to the motion to request—

Interjections.

Ms Murdock: Request what?

The Vice-Chair: Mr Sterling has moved that this committee sit during the intersession.

Mr Sterling: They're trying to cover it up.

Ms Murdock: I don't agree to coming back during the intersession to do this, but if we want to continue with this, that we do it in the next session, period.

Mr Fletcher: How about tomorrow?

Mr Sterling: What's wrong with the intersession? There are no committees meeting.

Ms Murdock: So? Why should we get paid for doing that?

Mr Tilson: We have now heard part of the testimony of the first witness, and there may be other questions. I know I have some more questions and I'm sure Mr Sterling has some more questions, and there may be some questions that arise out of those questions. We then have Mr Hansen, who is the Chair. I don't know how we can make any report, as Mr Cooper is suggesting, without at the very least hearing from the Chair of the committee and the clerk of the committee. At the very minimum, we have to hear from them.

And other people's names are being mentioned: Mr Sutherland's name has been mentioned several times by Mrs Marland, Mr Harnick's name has been mentioned by Mrs Marland, Mr Chiarelli's name has been mentioned. It may well be that we want to hear all members of the committee with respect to their version of what went on. We've heard one member of the committee, and we will be hearing Mr Hansen and Ms Freedman, and I don't

know when we're going to hear even those two people.

We clearly have a lot of work to do in this committee before we're in a position to make a report. If we're simply going to base the report on partial testimony—Mrs Marland hasn't even completed her testimony and there's been a suggestion that we report to the House. I've heard several preposterous things during today's proceedings, but that's the most preposterous one. Of course, Mr Cooper, I say that with the greatest respect.

I simply say there's much more work for this committee to do. I think Mr Sterling is quite correct in suggesting that you as Chair go to the government House leader and ask for more time so we can properly deal with this very important issue that has been delegated to this committee by the Speaker of this House.

Mr Jamison: Personally, I don't see any problem in taking time tomorrow for the hearing. I think the hearing can be heard further. I'm not a lawyer—some people tend to try to be here, day in and day out—but if you look at the issue of the stories appearing in the paper, at this point there are only possibly two people who know, other than the perpetrator of a potential leak, where it came from, and it's not likely that those people would testify in front of this committee.

1800

Mr Sterling: We can make them testify.

Mr Fletcher: No one's under oath here.

Mr Jamison: I can tell you that's probably going to lead this committee in circles. As I watch today, committee members are predisposed in their own positions already. When the questioning was started, Mr Tilson showed a very pointed point of view before any evidence was actually presented. So I can say that we could continue the hearing tomorrow, but—

Mr Tilson: On a point of privilege, Mr Chair: To suggest that I am biased is completely out of line. I am not biased. I was simply reading what an article said, and that is all I was doing.

Mr Jamison: I'm just listening to what you had said.

Mr Tilson: For Mr Jamison to suggest—even suggest—that I am biased is completely out of line, and I would ask that you rule that he is out of order in making such allegations.

Mr Jamison: Mr Chair, I am only reflecting Mr Tilson's comments.

Mr Tilson: Mr Chairman, I ask for your protection against the comments of Mr Jamison.

The Vice-Chair: I would ask members to consider carefully what they say. I think what is being expressed are questions of opinions rather than questions of fact.

Mrs Sullivan: Speaking to Mr Sterling's motion, as you know, we have just begun this review that's been referred to this committee. I have reached some conclusions with respect to the evidence and testimony that Mrs Marland has brought to us, not the least of which, and the first issue, is that there was a leak of some sort out of that draft report situation. What is not clear is the nature of the disclosure or—no, actually the nature of the disclosure is clear, because it's clear that the full report

was not disclosed, nor was an excerpt from the report disclosed.

Mrs Marland could not confirm for us, because of her role, whether there was a change made to the final report as a result of this leak, and I think that's a fundamental question. We don't know if anyone lost or was a loser out of this disclosure and we don't know if anyone was a winner out of this disclosure, whether there was a fundamental gain or loss to an individual who was associated with the work of that committee. One of the main things we don't know is whether this leak was inadvertent, a response to a speculative inquiry, or whether it was in fact a deliberate situation. Lastly, the source is unknown.

Those are issues that could be followed up on.

But I want to go back to Mrs Marland's original comments, which I made note of when she was speaking. I think it's important to understand that when a member makes a complaint, as she has, which the Speaker has recognized as one that is legitimate, one has to take into account in reviewing that complaint what the remedy is that the member is suggesting. In her remarks, she indicated that she wanted, not a witchhunt of who did it, but to find a way of ensuring that it would never happen again.

Mr Sterling has suggested that we approach the House leaders to sit during the intersession. Certainly neither myself nor Mr Conway are able to sit this evening or tomorrow to further consider this report. In my view, it's appropriate to go to the House leaders and see what their disposition would be.

I think Mrs Marland's own request with respect to the intent of her bringing this issue forward is one that the committee should respect. If indeed the committee wants to look at alternatives with respect to premature disclosure—ie, tightening processes, or bringing in with the legislative press gallery some of the remedies used in Westminster—that's something that could be considered. But it's clear that Mrs Marland was not looking for a

witchhunt. She was looking at something that would underline and strengthen what honourable members are to assume to be the rules of this place, and I honour her for that, for bringing this issue that way to this committee.

I will be supporting Mr Sterling on his motion to ask the House leaders to sit during the intersession. I will not be doing that, however, in order to conduct the witchhunt that Mrs Marland has indicated she does not want.

Mrs Haslam: I agree with much that Ms Sullivan has said. But while Ms Marland doesn't seem to be on a witchhunt, I don't think I can say the same thing for Mr Tilson, and that's what worries me about this committee. Like Ms Sullivan and Ms Marland, I came looking at what Ms Marland was asking to do, and I am very disgruntled and upset that it is not what has happened here this afternoon. It has turned into a different kind of committee. This was not the type of committee I was asked to sit on. I was asked to sit on a committee that would take a look at a very serious situation and how we could remedy it.

I commend Ms Marland for saying she wasn't on a witchhunt, and that's not what I felt we needed to do here either. It was only when the comments from Mr Tilson were put forward that it became very clear that that's what this committee seemed to be shifting to.

In that case, if we're going to ask for time, I would rather have the committee do it. I don't agree that we should ask the House leaders to let us sit during the intersession. If the committee agrees it would like to hear additional witnesses, I think the committee should make the decision to do that in the spring session. That's what I would be supporting if that particular motion came forward. I will not be supporting Mr Sterling's motion.

Mr Sterling: On a point of order, Mr Chair: I'd like you to recognize the clock.

The Vice-Chair: As we are now past 6 o'clock, I declare the meeting adjourned.

The committee adjourned at 1808.



CONTENTS

Wednesday 7 December 1994

Premature disclosure of report	M-865
Margaret Marland	M-867

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair / Président: Hansen, Ron (Lincoln ND)

***Vice-Chair / Vice-Président:** Wessenger, Paul (Simcoe Centre ND)

Dadamo, George (Windsor-Sandwich ND)

Johnson, Paul R. (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND)

***MacKinnon, Ellen (Lambton ND)**

McClelland, Carman (Brampton North/-Nord L)

Morin, Gilles E. (Carleton East/-Est L)

Rizzo, Tony (Oakwood ND)

***Sterling, Norman W. (Carleton PC)**

***Sullivan, Barbara (Halton Centre L)**

Sutherland, Kimble (Oxford ND)

Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cooper, Mike (Kitchener-Wilmot ND) for Mr Sutherland

Fletcher, Derek (Guelph ND) for Mr Rizzo

Haslam, Karen (Perth ND) for Mr Dadamo

Jamison, Norm (Norfolk ND) for Mr Paul Johnson

Murdock, Sharon (Sudbury ND) for Mr Hansen

Tilson, David (Dufferin-Peel PC) for Mr Villeneuve

Also taking part / Autres participants et participantes:

Marland, Margaret (Mississauga South/-Sud PC)

Clerk pro tem / Greffier par intérim: Arnott, Doug

Staff / Personnel:

McLellan, Ray, research officer, Legislative Research Service

Sibenik, Peter, procedural research clerk, office of the Clerk

JUL 5 1995



3 1761 11465896 6